

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action
)	No. 09-10017-GAO
)	
TAREK MEHANNA,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

DAY FOURTEEN
JURY TRIAL

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Monday, November 14, 2011
9:15 a.m.

Marcia G. Patrisso, RMR, CRR
Cheryl Dahlstrom, RMR, CRR
Official Court Reporters
John J. Moakley U.S. Courthouse
One Courthouse Way, Room 3510
Boston, Massachusetts 02210
(617) 737-8728

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1 APPEARANCES:

2 OFFICE OF THE UNITED STATES ATTORNEY
3 By: Alope Chakravarty and Jeffrey Auerhahn,
4 Assistant U.S. Attorneys
5 John Joseph Moakley Federal Courthouse
6 Suite 9200
7 Boston, Massachusetts 02210

8 - and -
9 UNITED STATES DEPARTMENT OF JUSTICE
10 By: Jeffrey D. Groharing, Trial Attorney
11 National Security Division
12 950 Pennsylvania Avenue, NW
13 Washington, D.C. 20530
14 On Behalf of the Government

15 CARNEY & BASSIL
16 By: J.W. Carney, Jr., Esq.
17 Janice Bassil, Esq.
18 John E. Oh, Esq.

19 20 Park Plaza
20 Suite 1405
21 Boston, Massachusetts 02216
22 - and -

23 LAW OFFICE OF SEJAL H. PATEL, LLC
24 By: Sejal H. Patel, Esq.
25 101 Tremont Street
Suite 800
Boston, Massachusetts 02108
On Behalf of the Defendant

I N D E X

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>WITNESSES FOR THE</u>				
<u>GOVERNMENT:</u>				
HASSAN MASOOD				
By Mr. Auerhahn	8		129	
By Mr. Carney		50		136

E X H I B I T S

<u>GOVERNMENT'S</u>	<u>DESCRIPTION</u>	<u>FOR ID</u>	<u>IN EVD.</u>
No. 490	Immunity Order		11
No. 350	Email from Mr. Mehanna to Mr. Masood re Daniel Pearl video		34

1 (The following proceedings were held in open court
2 before the Honorable George A. O'Toole, Jr., United States
3 District Judge, United States District Court, District of
4 Massachusetts, at the John J. Moakley United States Courthouse,
5 One Courthouse Way, Boston, Massachusetts, on November 14,
6 2011.

7 The defendant, Tarek Mehanna, is present with counsel.
8 Assistant U.S. Attorneys Aloke Chakravarty and Jeffrey Auerhahn
9 are present, along with Jeffrey D. Groharing, Trial Attorney,
10 U.S. Department of Justice, National Security Division.)

11 THE CLERK: All rise.

12 (The Court enters the courtroom at 9:15 a.m.)

13 THE CLERK: For a continuation of the Mehanna trial.
14 Please be seated.

15 THE COURT: Good morning. I guess we're waiting for
16 one juror, but Paul told me there was an issue about an
17 exhibit?

18 MR. CARNEY: Right, your Honor. Not with the witness
19 who's on the stand, but the next witness, the government
00:03 20 intends to proffer Exhibit 350.

21 THE COURT: Let me just find it.

22 (Pause.)

23 THE COURT: What is it?

24 MR. CARNEY: Do you have it in front of you, because I
25 could hand it to you?

1 THE COURT: No. Where are we? Okay.

2 MR. CARNEY: That's an email sent by the defendant to
3 Mr. Masood, and it contains a two-way video. The video
4 concerns Daniel Pearl. I have not been able to see the video
5 because if you go to that link, it's dead. But more than that,
6 I object because the probative value of the fact that the
7 defendant sent an email to a friend, and the video, is far
8 outweighed by the prejudice in terms of discussing this
9 particular video.

00:05 10 Daniel Pearl, as you may recall, was a Wall Street
11 Journal reporter who was killed in Afghanistan, I believe, and
12 was beheaded. And that was videotaped. I assume that this
13 video includes that. And I expect that the government will ask
14 the witness to describe what's on the video.

15 THE COURT: Mr. Auerhahn?

16 MR. AUERHAHN: Thank you, your Honor. First of all,
17 it is an email from the defendant to Hassan Masood and
18 Ahmad Abousamra, both coconspirators in this case. You might
19 recall on cross-examination of Mr. Aboubakr there was a line of
00:05 20 questions about -- suggesting that it was Abousamra who was
21 more interested in the beheading videos than Mr. Mehanna, and
22 here is direct contradiction of that in that it is an email
23 from the defendant directly to Mr. Masood and the indicted
24 fugitive defendant Abousamra.

25 We're not going to ask the witness to describe any

1 details of the beheading, but there's already been discussion
2 about that beheading videos were part of the propaganda of
3 al Qa'ida. Mr. Pearl was kidnapped by al Qa'ida in Pakistan,
4 actually, not in Afghanistan, and there was a videotape made of
5 his beheading.

6 So it seems to me both it's relevant to some of the
7 cross-examination that's already taken place, some of the
8 testimony that's already been provided, and important to
9 corroborate the testimony of the witness who will talk about
00:06 10 watching videos including beheading videos.

11 THE COURT: This is from June of '02?

12 MR. AUERHAHN: Yes.

13 THE COURT: Are there other contextual communications,
14 emails, chats or anything like that --

15 MR. AUERHAHN: There are --

16 THE COURT: -- or is there just this? Is there
17 anything else on this subject?

18 MR. AUERHAHN: There are other emails between the
19 witness and Mr. Mehanna sent by Mr. Mehanna to the witness but
00:07 20 after -- we decided not to use those in his direct testimony.

21 But -- and the witness will testify about a relationship with
22 Mr. Abousamra and Mr. Mehanna that goes back to this time
23 period; for example, the witness will testify specifically
24 about Mr. Abousamra's two trips to Pakistan around the same
25 time period. So this witness's testimony will cover this time

1 period as well as more recent events into 2004, 2005 and 2006.

2 THE COURT: So that what I was just trying to get at
3 is the context of this offer will be from the testimony of the
4 witness and not from other exhibits, I guess is what I was
5 getting at.

6 MR. AUERHAHN: Yes.

7 THE COURT: Okay. It seems to me it's admissible.
8 It's, I think, relevant to the government's case, and the form
9 in which it's being offered, I think, is relatively -- well,
00:08 10 undramatic, I guess is the way to say it, given the subject
11 matter. So the 403 prejudice -- unfair prejudice is low.

12 MR. CARNEY: I wonder how many people on this side of
13 the bar in the courtroom looked at the video of -- that's
14 involved here, either saw it on television or sought it out on
15 the internet. I mean, this was huge news, unprecedented news.
16 People wanted to see it.

17 THE COURT: That can all be pointed out.

18 MR. CARNEY: In that situation, it seems unfair to put
19 in one more document. I mean, the pile is just getting so high
00:08 20 that I respectfully submit at some point it has to stop.

21 THE COURT: Okay.

22 MR. CARNEY: Thank you.

23 THE COURT: Do you want to check on the jury?

24 THE CLERK: Yes, sir.

25 THE COURT: If they're here, we'll just get going; if

1 not, we'll take a pause.

2 (Pause.)

3 THE COURT: All set? Good.

4 THE CLERK: All rise for the jury.

5 (The jury enters the courtroom at 9:22 a.m.)

6 THE CLERK: Be seated.

7 THE COURT: Good morning, jurors.

8 THE JURORS: Good morning.

9 RICHARD DEARSLEY, resumed

00:11 10 THE COURT: Continuing the examination of
11 Mr. Dearsley.

12 Cross-examination. Ms. Patel?

13 MS. PATEL: No cross-examination, your Honor.

14 THE COURT: No cross-examination? All right.

15 I guess your testimony is finished, Mr. Dearsley. You
16 may step down.

17 (The witness is excused.)

18 MR. AUERHAHN: The United States calls Hassan Masood.

19 THE CLERK: Sir, do you want to step up here, please?

00:12 20 HASSAN MASOOD, duly sworn

21 THE CLERK: Please be seated.

22 State your name and spell your last name for the
23 record. Keep your voice up and speak into the mic so everyone
24 can hear you.

25 THE WITNESS: My name is Hassan Masood, H-A-S-S-A-N;

1 my last name is M-A-S-O-O-D.

2 DIRECT EXAMINATION

3 BY MR. AUERHAHN:

4 Q. Good morning, sir. How old are you?

5 A. I'm 29.

6 Q. Where were you born?

7 A. Lahore, Pakistan.

8 Q. And when did you come to the United States?

9 A. Approximately in 1988 or '89.

00:12 10 Q. About how old were you when you came to the United States?

11 A. I was, like, five or six years old.

12 Q. Have you returned to Pakistan since you left when you were
13 about five or six years old?

14 A. No.

15 Q. Have you left the United States since then?

16 A. No.

17 Q. Did you receive your entire education here in the United
18 States?

19 A. Yes.

00:13 20 Q. What is the level of your education?

21 A. I'm working on my undergrad.

22 Q. How far are you along?

23 A. Almost done. I have a semester left.

24 Q. And what is your -- what are your plans next?

25 A. I'm trying to go to medical school.

1 Q. In what is your degree?

2 A. I'm doing a degree in biology.

3 MR. AUERHAHN: May we pull up Exhibit 490 for the
4 witness first?

5 Q. Sir, do you recognize what that is?

6 MR. AUERHAHN: Perhaps we can make it a little bigger?

7 Q. Can you read that now?

8 A. Yes.

9 Q. And what do you understand that to be?

00:14 10 A. That's a subpoena order from the Court.

11 Q. And is that an order directing you to answer questions
12 here today?

13 A. Yes.

14 Q. And what protection do you have in exchange for answering
15 questions?

16 A. I was given immunity.

17 Q. Does it mean that nothing you say can be used against you?

18 A. Yes.

19 Q. What about for lying here today?

00:14 20 A. There's no protection from that.

21 Q. So you could be prosecuted for perjury?

22 A. Yes.

23 Q. Now --

24 MR. AUERHAHN: Can we exhibit this to the jury,
25 please, your Honor.

1 THE COURT: It's offered, I gather?

2 MR. AUERHAHN: Excuse me?

3 THE COURT: You're offering it?

4 MR. AUERHAHN: Yes.

5 THE COURT: Any objection?

6 MR. CARNEY: No, your Honor.

7 THE COURT: It will be admitted.

8 (Government Exhibit No. 490 received into evidence.)

9 BY MR. AUERHAHN:

00:14 10 Q. Now, in advance of your testimony here today did you meet
11 with government counsel for the purpose of going over what you
12 were going to say?

13 A. Yes.

14 MR. AUERHAHN: Can we pull up Exhibit 741 in evidence,
15 please?

16 Q. Do you recognize the individual depicted in these
17 photographs?

18 A. Yes.

19 Q. Who's that?

00:15 20 A. Ahmad Abousamra.

21 Q. And when did you first meet Mr. Abousamra?

22 A. In maybe 1999, 2000.

23 Q. And when you first met Mr. Abousamra, did he have the very
24 long beard or the nicely trimmed beard?

25 A. He had the longer beard.

1 Q. Do you remember approximately when he trimmed it?

2 A. Sometime after 2001.

3 Q. Now, how would you describe your relationship with
4 Mr. Abousamra?

5 A. He was a very good friend of mine. Close friend.

6 Q. And when did you say, again, that you met him?
7 Approximately '99, 2000?

8 A. Yeah.

9 Q. And did you move somewhere around that time period?

00:16 10 A. We moved from Boston to Sharon.

11 Q. And "we" being whom?

12 A. My family.

13 Q. And what was the purpose of moving to Sharon?

14 A. My dad was a imam and a teacher at the Islamic Academy of
15 New England.

16 Q. And what's an imam?

17 A. He's like a priest. He's like a religious leader for the
18 mosque.

19 Q. And at that time were you a particularly religious person
00:16 20 when you met Mr. Abousamra?

21 A. I was religious. Somewhat religious.

22 Q. And how about Mr. Abousamra?

23 A. He was very religious.

24 Q. Did you have discussions with him about Islam and
25 scholarly issues?

1 A. Yes, we did.

2 Q. A lot?

3 A. A lot, yeah.

4 Q. Now, at some point did you meet a Tarek Mehanna?

5 A. Yes.

6 Q. And approximately when did you meet Mr. Mehanna?

7 A. Definitely before 2001 -- September 11, 2001. I'm not
8 exactly sure. It was before September 11, 2001.

9 Q. Where did you meet Mr. Mehanna?

00:17 10 A. My recollection is I first met him at Ahmad Abousamra's
11 house.

12 Q. And is Tarek Mehanna in the courtroom today?

13 A. Yes.

14 Q. Can you identify him for the record, please?

15 A. Yeah, he's right there.

16 Q. Seated to my left?

17 A. Yes.

18 MR. AUERHAHN: May the record reflect he's identified
19 the defendant, your Honor?

00:17 20 THE COURT: Okay.

21 MR. AUERHAHN: Thank you.

22 BY MR. AUERHAHN:

23 Q. You said you met him at Abousamra's house sometime before
24 September 11, 2001?

25 A. Yes.

1 Q. Do you remember anything about that particular gathering?

2 A. It was just a normal gathering. We were there for food
3 and -- nothing particular, no. I mean, it was just your normal
4 gathering.

5 Q. Okay. Do you remember any discussions led by
6 Mr. Abousamra?

7 A. Yes.

8 Q. And what was that about?

9 A. It was just -- it was just a format of our gathering to be
00:18 10 religious or a talk either before or after food, and that was
11 what it was.

12 Q. And was it typical for Mr. Abousamra to be the one to give
13 those talks?

14 A. Yes, it was.

15 Q. Now, how did your relationship with Mr. Mehanna develop
16 after this first meeting?

17 A. We became friends.

18 Q. Now, did anything change about Mr. Abousamra after
19 September 11, 2001?

00:18 20 A. Yes.

21 Q. And could you describe the change, please?

22 A. He became more political. He talked more about politics.

23 Q. And prior to September 11, was it all -- was there any
24 discussion of politics or just religion?

25 A. It was more religion and it wasn't much to do with

1 politics.

2 Q. And after September 11th when you say "more about
3 politics," can you elaborate on that, please?

4 A. Before it was more, you know, staying away from politics.
5 Politics wasn't the way to better the Muslim community or the
6 Muslim ummah; it was, you know, bettering of yourself, like
7 praying the right way and fasting the right way and those
8 things. And after September 11 he talked more about
9 politicians and politics affecting the Muslim community and how
00:19 10 they -- you know, the politics was an integral part of just,
11 you know, the problem that was existing in the Muslim
12 communities -- the Muslims in general.

13 Q. And did he talk about any obligation to do something with
14 reference to these problems in the Muslim ummah?

15 A. Yes.

16 Q. And what did he say?

17 A. He's, like, there's an obligation to change these
18 politicians and to remove them, if possible, and, you know,
19 things like that.

00:19 20 Q. And the politicians where?

21 A. Politicians in the Muslim countries.

22 Q. And what about after the U.S. invasion of Afghanistan?

23 A. Yeah, he became more -- he talked about the obligation of
24 fighting for -- fighting to -- he just talked about the
25 obligation of fighting, when it's required when some Muslim

1 countries were invaded. And, yeah, he talked about...

2 Q. And were these private discussions with you or discussions
3 when others were present?

4 A. Some of these were private; some of these were
5 with -- some of these were with other people around.

6 Q. And the other people who were around during these
7 discussions, who was that?

8 A. Sometimes there was just me and him, sometimes it was me
9 and a bunch of other people, and sometimes it was, you know,
00:21 10 people like Kareem, me, Ahmad, sometimes it was Tarek. I don't
11 know if Kareem was there a lot, but I don't think Kareem was
12 there a lot. There were other people there. I don't recall
13 who was there. Maybe -- there was a whole bunch of youth that
14 were there. They were sometimes there in part of the
15 discussions and sometimes they weren't.

16 Q. Okay. You mentioned Tarek. Is that Tarek Mehanna?

17 A. Yes.

18 Q. Was he there often?

19 A. Yes, he was there.

00:21 20 Q. Okay. Now, did Mr. Abousamra express his view on the
21 justification or lack thereof of the September 11th attack on
22 the United States?

23 A. Yes, he did.

24 Q. And what did he say?

25 A. He said that they deserved it because of their, you know,

1 interference in the Muslim worlds and all the times that
2 they've been, you know, aiding Israel against Palestine and
3 their intervention in Iraq and all those things. He said that
4 that was a result of, you know, that, and he justified it with
5 that.

6 Q. And what about Mr. Mehanna, what did he say about the
7 justification or lack thereof?

8 A. Similar. Same.

9 Q. Okay. And I notice when you described what he said, you
00:22 10 said "they deserved it." Is that how he viewed it, Mr. Mehanna
11 viewed it, as "they"?

12 A. Yes.

13 Q. Now, you said that before September 11th he talked mostly
14 about -- Mr. Abousamra -- about religious duties and
15 obligations. What about this obligation to help the Muslims
16 who had been invaded? Was that a religious obligation or was
17 it politically motivated?

18 A. He felt that that was a religious obligation.

19 Q. And what about Mr. Mehanna?

00:23 20 A. The same.

21 Q. Now, did you have any discussions with Mr. Abousamra or
22 Mr. Mehanna about Mullah Omar?

23 A. Yes, we did.

24 Q. And can you please describe those discussions?

25 A. Our discussions were about where he was an inspirational

1 character for us because of -- because he was -- because he was
2 defending -- because he had protected a guest of his,
3 Osama bin Laden. He had protected him; he hadn't given him up.
4 And that was admirable, and we thought highly of him because of
5 that.

6 MR. AUERHAHN: Can we bring up Exhibit 757, please? I
7 believe this is in evidence as well.

8 Q. Do you recognize that individual?

9 A. Yes.

00:23 10 Q. And who's that?

11 A. That's Kareem Abuzahra.

12 Q. Was he a participant in your discussions that you've
13 described so far?

14 A. Some of them, yes.

15 Q. Okay. Not as much as Mr. Abousamra and Mr. Mehanna?

16 A. Yes; that's correct.

17 Q. Now, did you have discussions with Mr. Abousamra and
18 Mr. Mehanna about suicide bombings?

19 A. Yes, we did.

00:24 20 Q. Can you describe what Mr. Mehanna and Mr. Abousamra said,
21 if you can differentiate?

22 A. Ahmad Abousamra's view was initially that suicide bombings
23 are -- could be used but as a last resort. Initially, I think
24 both of them felt the same thing, that suicide bombings could
25 be used but they should be used as a last resort; they

1 shouldn't be used immediately. Ahmad Abousamra's opinion
2 changed from that to being that, you know, suicide bombings
3 could be used as a tool; it's not something that could be used
4 as a last resort. My belief was that Tarek Mehanna's view was
5 that they shouldn't be used unless they're necessary, they're
6 compulsory, as a last resort.

7 Q. Now, you talked about this obligation to assist Muslim
8 country invaded. Did you discuss parents' involvement in this
9 issue?

00:25 10 A. Yes.

11 Q. And could you describe that discussion, please?

12 A. That discussion, there's two kinds of war, like, going to
13 war: There's an offensive and a defensive war. In an
14 offensive war, you're not supposed to be able to go without the
15 permission of your parents; and in defensive war, the
16 people -- the people that are being invaded, they are --
17 there's no requirement of permission from your parents. And if
18 the people that are fighting there are enough, then nobody else
19 needs to be involved. Nobody else needs to go and help out.

00:25 20 But if those people aren't enough, then other people around
21 them first are supposed to go and help them out.

22 Q. And what about the obligation of the youth in the United
23 States to go to Afghanistan?

24 A. That was a debate amongst us. And we thought that, you
25 know, there was people around them that should -- that needed

1 to be -- that the responsibility was on them; it wasn't on us.
2 But Ahmad Abousamra's view was that but the people around them
3 are not helping them out, so that obligation is upon all of us
4 to fulfill that requirement. Until it's not fulfilled, that
5 obligation remains on all of us.

6 Q. And did he do anything in 2002 to fulfill that obligation?

7 A. Yes.

8 Q. And what is that?

9 A. He went to Pakistan.

00:26 10 Q. Okay. Did you have -- did he ask you to go with him?

11 A. Yes, he did.

12 Q. Did he tell you why he was going?

13 A. He told me that he wanted to get training in Pakistan or
14 in Afghanistan to go and fight in Afghanistan.

15 Q. Fight against whom in Afghanistan?

16 A. Fight against the U.S. forces or NATO.

17 Q. And did he tell you why he was asking you in particular to
18 go with him?

19 A. I am from Pakistan, so -- and I have family members in
00:27 20 Pakistan who were a part of, or leaders of, an organization
21 that runs terror -- that runs training camps. And so he
22 thought that I might be helpful for him to do that.

23 Q. Did he ask you to contact this relative?

24 A. Yes, he did.

25 Q. And what is the name of the organization that your

1 relative heads?

2 A. Lashkar-e-Taiba.

3 Q. And what is the relationship to you?

4 A. He's my older uncle.

5 Q. Your --

6 A. My dad's older brother.

7 Q. And were you convinced to go?

8 A. Yes, I was.

9 Q. And did you take any steps to go with Mr. Abousamra?

00:28 10 A. Yes, I did.

11 Q. What did you do?

12 A. I found my passport at home, and I had my passport for --
13 I don't know how long I had it for -- a few days. I hadn't
14 given it to Ahmad Abousamra yet, but my parents found out and
15 they were very upset. They were very angry.

16 Q. And ultimately they convinced you to not go?

17 A. Yes.

18 Q. Now, did you discuss with Mr. Abousamra the viability of
19 his plan?

00:28 20 A. Yes. The first time?

21 Q. Yes.

22 A. The first time I actually thought that it was possible for
23 him, that he would be able to do that. The second -- he went
24 on a second trip and --

25 Q. Let's focus on the first one first.

1 So do you know -- did you see him just before he left?

2 A. Yes, I did.

3 Q. Where did you see him?

4 A. I think he was living in Methuen at that time. I'm not
5 sure. But I think it was Methuen.

6 Q. Okay. And did you drive him somewhere?

7 A. Yeah. I drove him to the train station, the commuter
8 rail.

9 Q. So he could go to the airport?

00:29 10 A. Yes.

11 Q. Now, did you discuss with him a desire to stay in touch
12 while he was gone?

13 A. Yes.

14 Q. And could you describe that conversation?

15 A. Ahmad Abousamra -- well, I told him that I wanted to stay
16 in touch with him, and he came up with an idea. He said he
17 said he would make a Yahoo account, and I would have its
18 password and user name and he would do -- and he would make a
19 draft and save it as a draft, and I'd be able to open it on my
00:29 20 end and check it and read it, and also write a draft and save
21 it so he could do the same.

22 Q. And why did you agree to do it that way rather than just
23 send emails back and forth?

24 A. Because he didn't want to be tracked.

25 Q. And did you, in fact, communicate that way while he was

1 gone?

2 A. Yes.

3 Q. And approximately how long was he gone, if you recall?

4 A. I don't know. I want to say maybe a couple of weeks,
5 maybe a month. I'm not sure.

6 Q. Okay. Did you see him upon his return?

7 A. Yes.

8 Q. Did he describe to you what happened to him in Pakistan?

9 A. Yes, he did.

00:30 10 Q. And what did he tell you?

11 A. He told me that he went to look for training camps. He
12 went to the one -- to the Lashkar-e-Taiba training camp and
13 they didn't entertain him; they didn't accept him. And then he
14 went to others and they kind of blew him off as well. He
15 tried -- he went to Peshawar, which is a city very close to
16 Afghanistan, and he tried to find people who could help him
17 there.

18 Q. To get into Afghanistan?

19 A. Yes.

00:30 20 Q. Did he find anyone who did agree to help him?

21 A. Yeah. He told me somebody on a bus -- I think he told me
22 his name was Abdul Majid or Majid or something like that, he
23 told me that he talked to him and that that person was going to
24 try to help him out, try to find a training camp for him or
25 find a way for him to get him into a training camp.

1 Q. Did he indicate whether he actually visited any camps?

2 A. Yes, he did.

3 Q. And did he describe to you what happened when he -- at
4 these camps?

5 A. There was some organization in Pakistan that
6 had -- that -- whose training camp he was at, and he just -- I
7 think he fired a weapon or something, and I think he just held
8 it or something like that, but he didn't actually get any
9 training there.

00:31 10 Q. Did he describe anything else about this Majid, or Abdul
11 Majid that he met?

12 A. It was somebody on a bus. And I'm not sure who seeked
13 [sic] who out. I don't know if he seeked Ahmad out or Ahmad
14 seeked Majid out, but somehow they started talking, and he told
15 him, you know, he was frustrated with his inability to find a
16 training camp, and Majid told him that, you know, all the
17 training camps and all the network in Afghanistan was
18 completely, like, broken apart because of the invasion and it
19 was -- it would take time for it to re-form and rebuild, and
00:32 20 the best thing would be for him to go back and come back at a
21 later time so that he would be able to get into -- so he would
22 be able to get him into a training camp.

23 Q. And did Mr. Abousamra indicate whether or not he had any
24 means to stay in touch with Abdul Majid?

25 A. He must have had his phone number because he used calling

1 cards when he was here to call him and talk to him.

2 Q. Okay. How do you know that after he came back he
3 continued to communicate with Abdul Majid?

4 A. Because he told me about his communications with him.

5 Q. And what did he tell you about his communications with him
6 after he got back?

7 A. He would call him and ask him -- he would call him and ask
8 him, you know, about any updates, about any progress in finding
9 a training camp or finding a way for him to go there and get
00:33 10 training. And a lot of times -- well, every time he
11 would -- you know, Majid, or whoever he was, would not tell
12 him -- you know, would not give him anything. He wouldn't tell
13 him that there's something and, you know, Ahmad, over a period
14 of time, started to get frustrated about that.

15 Q. At some point did he decide to go back again?

16 A. Yes, he did.

17 Q. And did you assist him in any way this time in driving him
18 to the airport or the train?

19 A. I don't know if I assisted him by driving or -- I don't
00:33 20 remember that, but I think I did give him some money for him.
21 That's it.

22 Q. And at some point did he return?

23 A. Yes, he did.

24 Q. And did you talk to him about his second trip?

25 A. Yes, I did.

1 Q. What did he tell you?

2 A. He told me that -- I'm less -- I'm a little more hazy
3 about this one, but he tried to go and get into a training camp
4 and Majid, you know, had told him -- I think he was talking to
5 Majid, he was pressuring him into giving him something to come
6 back to, like a training camp or something, and he just wasn't
7 finding anything so he went to Majid. I guess the second time
8 he went he didn't really find anything this time either.

9 Q. Did Abdul Majid tell him to stick around or to go back?

00:34 10 A. Majid told him to go back.

11 Q. And did he tell him anything to do with --

12 MR. CARNEY: I object, your Honor. He's leading the
13 witness through the direct.

14 THE COURT: No, I don't think that.

15 Go ahead. You may have it.

16 MR. AUERHAHN: Okay.

17 THE COURT: Would you try to stay near the microphone,
18 though, Mr. Auerhahn, a little bit?

19 MR. AUERHAHN: I'm sorry. I'm a wanderer.

00:35 20 BY MR. AUERHAHN:

21 Q. Did he tell you anything about that conversation, about
22 sending him back?

23 A. He told him that there wasn't much that could be done
24 there because most of the training camps were disrupted and
25 there wasn't anything that could be done there, and that to go

1 back and do whatever you can back in America.

2 Q. Now, with reference to this latter point, "do whatever you
3 can back in America," did you have any discussions with
4 Mr. Abousamra about doing something here in America?

5 A. Yes, we did.

6 Q. And was anyone else present during these discussions?

7 A. Yeah.

8 Q. Who?

9 A. Sometimes Tarek was present. I'm not sure if Kareem
00:35 10 Abuzahra was present or not. I'm not sure if there were other
11 people present but these -- there were times when it was just
12 me and him, there were times where it was like me, Ahmad and
13 Tarek.

14 Q. And can you describe what Mr. Abousamra said about being
15 in America?

16 A. Majid's suggestion was that there's ways to attack
17 military facilities or there were ways to attack financial
18 centers.

19 THE COURT: What was that? I don't know what that
00:36 20 was.

21 (There is an interruption in the proceedings.)

22 THE CLERK: Does somebody have something on?

23 MR. AUERHAHN: Yes. It's off now.

24 BY MR. AUERHAHN:

25 Q. Continue, please?

1 THE COURT: Why don't you back up a minute.

2 BY MR. AUERHAHN:

3 Q. You were talking about Majid's suggestion about things in
4 America, and you mentioned military targets. Can you describe
5 that, please?

6 A. Yeah. Majid's suggestion was there's ways to do things
7 here. You can go back and find ways to target military
8 facilities or financial centers or something like that and do
9 whatever you can here, like attack them or, you know, do
00:37 10 something like that here. But there was no real option for him
11 to get into a training camp in Pakistan.

12 Q. Okay. And what did Mr. Abousamra say about this potential
13 for targets here in the United States?

14 A. Initially, after the second trip he was all skeptical
15 about him being able to accomplish that, but he didn't give up
16 the idea. He thought it was kind of -- you know, it was kind
17 of, you know, interesting. And he would smile when he talked
18 about it, but he was skeptical about being able to accomplish
19 that after the second trip.

00:37 20 Q. Okay. Did he talk about any potential targets here in the
21 United States?

22 A. Yes, he did.

23 Q. What kind of targets? What did he say?

24 A. He talked about financial buildings in Boston, that they
25 didn't have a lot of security and that was something that --

1 you know, those were targets that actually could be -- those
2 were targets that could be bombed or attacked.

3 Q. Any other potential targets here in the United States?

4 A. He talked about an individual, like people who were
5 related to the military or in the army, or just attacking them.

6 Q. Now, these discussions with Mr. Abousamra, did any of
7 these discussions take place with Mr. Mehanna as well?

8 A. Yes.

9 Q. Okay. And did he participate in these discussions?

00:38 10 A. Yes.

11 Q. Now, did Mr. Abousamra describe any of the details of
12 either trip to Pakistan, either the first or second, in the
13 presence of Mr. Mehanna?

14 A. Yes, he did.

15 Q. And do you recall where that discussion took place?

16 A. I think sometimes it was at my house; other times I think
17 it was at Tarek's house. It might have been at his own house
18 too.

19 Q. Now, in terms of -- are you familiar with something called
00:39 20 jihadi videos?

21 A. Yes.

22 Q. What's a jihadi video?

23 A. It's a video that portrays training camps and
24 fighting -- fighting scenes between the mujahideen and others.

25 Q. And did you -- during this time period before and after

1 Mr. Abousamra's trip to Pakistan, did you watch these videos?

2 A. Yes.

3 Q. With whom?

4 A. I watched them with Ahmad Abousamra. I watched them with
5 Tarek; I watched them on my own; I watched them with others.

6 Q. And was it typical to have discussions while watching
7 these videos?

8 A. Yes.

9 Q. Do you recall any discussions while Mr. Abousamra and
00:40 10 Mr. Mehanna were present?

11 A. Just generally we were just talking -- we would talk about
12 how these people are, like -- you know, they're -- they were
13 inspirational figures for us, people who gave up their lives
14 fighting for the sake of the Muslims.

15 Q. And after September 11, 2001, did you watch any videos
16 concerning the hijacking and the attacks on September 11th?

17 A. I'm sorry. Could you repeat that?

18 Q. After the September 11, 2001, attacks, did you watch any
19 videos -- well, strike that.

00:40 20 You mentioned battles and attacks. What kind of videos
21 did you see with Mr. Abousamra and Mr. Mehanna?

22 A. Just jihadi videos from a lot of different zones -- areas
23 that there was jihad going on, there was fighting going on,
24 from Chechnya, from Bosnia, from old Afghanistan against the
25 Soviets, yeah. I'm not sure if there were any that were from

1 Philistine or Palestine, but, yeah, there were jihadi videos
2 from a lot of different places.

3 Q. Did you watch any that involved the 9/11 hijackers?

4 A. Yes, we did.

5 Q. And do you recall with whom you watched it?

6 A. I watched them on my own. I watched them with
7 Tarek Mehanna and Ahmad Abousamra. I watched them with Ahmad
8 by himself and with Tarek by himself as well, and others, I
9 think.

00:41 10 Q. And did you watch that downloaded from the internet or did
11 you have it on a CD?

12 A. I think both. I think I watched it on the internet and I
13 watched it on a CD.

14 Q. Do you remember where you got the CD?

15 A. I think the first CD I got was from Ahmad Abousamra, and I
16 also got CDs from Tarek.

17 Q. Mehanna?

18 A. Tarek Mehanna.

19 Q. And do you recall where you would watch these videos?

00:42 20 A. I watched them on my computer. I watched them at Tarek's
21 place. I watched them at Ahmad's place, I think, too.

22 Q. And generally what was the purpose of watching these
23 videos?

24 MR. CARNEY: I object.

25 THE COURT: Overruled.

1 MR. CARNEY: May he limit it to what his purpose was
2 rather than other people's?

3 THE COURT: All right.

4 BY MR. AUERHAHN:

5 Q. What was your purpose in watching these videos?

6 A. My purpose of watching these videos was -- it was an
7 inspirational -- it was just curiosity. I wanted to know who
8 these people were. And, yeah, it was curiosity and it was
9 inspiration because I also believed, like they did, that, you
00:43 10 know, September 11 was something that was deserved and it
11 wasn't something that, you know, was wrong. And I wanted to
12 know who these people were that did it.

13 Q. You mentioned earlier that when you had gatherings before
14 September 11th, Mr. Abousamra would typically make a religious
15 speech. What about post 9/11 when you were watching these
16 videos?

17 A. Yeah, it was more of a mutual discussion than him giving a
18 speech, really. It was -- we were talking about it together as
19 friends. It wasn't him like giving a speech to us; we were
00:43 20 just talking about it.

21 Q. And what about when Mr. Mehanna was present as well? What
22 was the discussion that would take place while you were
23 watching these videos?

24 A. We were inspired by them. We talked about how great these
25 individuals were that they laid down their lives and -- you

1 know, for what they believed and we were inspired by them.

2 Q. Okay. Now, did you ever watch any videos involving
3 someone named Abu Musab al-Zarqawi?

4 A. The only video I remember watching of his was I think he
5 was holding a weapon of some sort, and he was firing it.
6 That's the only video I can recall watching of his.

7 Q. And who was Abu Musab al-Zarqawi?

8 A. He was some jihadist in Iraq, I think.

9 Q. And did you watch with Mr. Mehanna or Mr. Abousamra any
00:44 10 beheading videos?

11 A. I might have watched one of Daniel Pearl in Pakistan, but
12 that's about it. I might have watched others. I don't
13 remember.

14 Q. And do you remember with whom you watched that?

15 A. I think I watched that with Tarek. I'm not sure, but I
16 think I watched it with Tarek.

17 Q. And who was -- do you remember now as you sit here who
18 Daniel Pearl was?

19 A. I don't know exactly who he was, but I know he was -- he
00:45 20 was -- wait a second. I think he was somebody who used to work
21 for Wall Street or something like that, if I remember
22 correctly. That's what I remember.

23 Q. And the video you saw included his beheading?

24 A. I think so, yeah.

25 MR. AUERHAHN: Can we pull up Exhibit 350, please?

1 Just the text.

2 Q. Sir, does this appear to be an email from Tarek Mehanna on
3 June 6, 2002? Can you see that?

4 A. Yes. Yeah.

5 Q. And the first name on the "To" is
6 Hassanalghurabaa@yahoo.com. Who's that?

7 A. That's me. That's my email.

8 Q. And the second one is Ahmad Abousamra?

9 A. Yes.

00:46 10 MR. AUERHAHN: Is it being displayed as well to the
11 jury, your Honor?

12 THE COURT: No, I was waiting for it to be offered.

13 MR. AUERHAHN: Oh, I'm sorry. I thought it was
14 evidence as part of --

15 THE COURT: Well, we had a discussion about it, but it
16 wasn't admitted.

17 MR. AUERHAHN: Okay. I would move it into evidence,
18 your Honor.

19 THE COURT: All right.

00:46 20 MR. CARNEY: I object.

21 THE COURT: Your objection is overruled.

22 It's now being displayed.

23 MR. AUERHAHN: Thank you, your Honor.

24 (Government Exhibit No. 350 received into evidence.)

25 BY MR. AUERHAHN:

1 Q. So, again, from Tarek Mehanna to you and Ahmad Abousamra
2 on June 6, 2002, and there's a link:

3 Movie.ogrish.com/DanielPearl. Do you see that?

4 A. Yes.

5 Q. And you mentioned the Daniel Pearl beheading video that
6 you watched with Mr. Mehanna?

7 A. Yeah.

8 Q. Do you know if you watched it by clicking on this link or
9 did you see it some other place, some other time?

00:47 10 A. I remember seeing it. I don't know if it was based
11 on -- it was from this link. I'm not sure.

12 Q. Now, you testified earlier that Mr. Mehanna -- excuse
13 me -- Mr. Abousamra talked about security at various financial
14 buildings in Boston?

15 A. Yes.

16 Q. Were there ever any discussions or books or publications
17 about explosives?

18 A. There was. There was a book -- it was a small book --
19 just improvised explosives. I don't recall the name or the
00:47 20 publisher or anything like that, but it was a small book.

21 Q. Who had the book?

22 A. At one point Ahmad Serageldine had the book and at some
23 point Tarek Mehanna had the book, but I don't remember -- I
24 don't know where that book is or who wrote it or anything like
25 that.

1 Q. Okay. And what's the most you recall about what it was
2 about?

3 A. It was just -- it was just improvised stuff, like using,
4 you know, everyday things to make like a small explosive or
5 something like that. Nothing major, just small explosives.

6 Q. Now, did you or Mr. Mehanna or Mr. Abousamra do anything
7 to physically train?

8 A. We played paintball.

9 Q. Okay. Anything else besides paintball?

00:48 10 A. I don't remember. I didn't do anything specific to train
11 on my own, but I do remember them -- they used to go on hikes
12 sometimes. My understanding was that was for, you know, just
13 to train themselves and keep themselves in shape.

14 Q. Okay. Now, you mentioned earlier Kareem Abuzahra. Were
15 you ever at his house?

16 A. I remember once I was.

17 Q. And could you describe --

18 A. Once or twice. I remember that.

19 Q. Can you describe the occasion when you were at his house?

00:49 20 A. I was at his house for dinner. And we were eating, and I
21 came into the kitchen, or an area secluded from where everybody
22 else was -- a little secluded. It was just right across the
23 door. And Ahmad and Tarek and I believe Kareem were standing
24 there as well, and they were talking about something, and when
25 I walked in they kind of quieted down.

1 And so I asked them what they were talking about and
2 they're like, "Well, we don't want to tell you because, you
3 know, we don't think you can, you know, keep quiet if you were
4 asked or if you were questioned." And, yeah...

5 Q. And did they tell you what they were talking about at that
6 time, at Abuzahra's house?

7 A. They didn't really tell me what they were talking about
8 except I think they did talk about finding somebody in Yemen
9 who was going to try to help them go to Yemen, or they found
00:50 10 some contact maybe in California or something. They
11 found -- if I remember correctly, they found -- they found a
12 few people that wanted to -- that were going to help them go to
13 Yemen. That's my understanding. That's how I remember it.

14 Q. Okay. And did Mr. Mehanna or Mr. Abousamra tell you why
15 they wanted to go to Yemen?

16 A. They wanted to go to Yemen because they wanted to find
17 training camps there.

18 Q. And did they tell you what they intended to do after
19 receiving training in Yemen?

00:51 20 A. Fight in Iraq because that was the -- that was an area
21 that was being attacked.

22 Q. I want to break that down a little. Do you recall the
23 conversation you had with Mr. Abousamra about this intention to
24 go to Yemen and then on to Iraq?

25 A. I told him that --

1 Q. First, do you remember the conversation?

2 A. The exact conversation?

3 Q. Well, as best you can recall it.

4 A. Yeah.

5 Q. And do you remember where it took place?

6 A. One of the conversations I remember taking place in
7 Sharon. There's like a walk-about where -- like a horse trail.
8 There's a track for horses and we were walking there. And I
9 remember having a discussion with him there where he asked me
00:51 10 to come to Yemen with him, and I told him that, you know, he's
11 tried twice in Pakistan, it didn't work, and now he's going to
12 try to go to Yemen again. And, you know, at that point I think
13 he was already married -- yeah, he was married at that point,
14 and I told him that's just not a good idea. That's not going
15 to work. And he was pretty adamant about going.

16 Q. And did you refuse to go along?

17 A. Yes.

18 Q. Now, what about with Mr. Mehanna? Did you have a
19 conversation with him about the planned trip to Yemen and Iraq?

00:52 20 A. Yes, I did.

21 Q. And could you describe that conversation? First of all,
22 if you remember where it took place?

23 A. My recollection of that is I think we had it at
24 Tarek Mehanna's house.

25 Q. Can you describe that conversation as best you can?

1 A. What I remember is I told him that -- why I couldn't go,
2 you know. I mean, I told him that, you know, I had
3 legally -- I had immigration issues. If I went and nothing
4 happened and there would be no way for me to come back but, you
5 know, they could come back, I couldn't. So I tried explaining
6 myself to him for why I didn't want to go. And I didn't think
7 that they would be able to find anything because they hadn't
8 found anything -- Ahmad hadn't found anything in Pakistan
9 and...

00:53 10 Q. When you say "anything," you mean training camps?

11 A. I mean training camps, yeah.

12 Q. And what did Mr. Mehanna say about why he was, in fact,
13 going?

14 A. That there was an obligation for Muslims to stand up and
15 fight against invasion of Iraq and the U.S. forces in Iraq.

16 Q. Now, you mentioned earlier that there was -- someone
17 mentioned some guy in California? Who told you about some guy
18 in California?

19 A. I think it was Ahmad who told me.

00:54 20 Q. And what did he tell you about this guy in California?

21 A. That he had -- he had connections to somebody in Yemen,
22 some guy in Yemen, who knew about training camps, or he was
23 connected with people that knew -- like others, you know, ran
24 training camps, and that was a way for them to be connected
25 with him.

1 Q. Now, do you recall how soon after -- soon before they
2 actually left did you see them? How close to the trip was the
3 last time you saw them?

4 A. Oh, the last time I saw them was when I took them to the
5 airport.

6 Q. Okay. And where did that day begin?

7 A. I picked up Tarek Mehanna, Ahmad Abousamra and Kareem
8 Abuzahra from Tarek's house, and I drove them to Logan Airport.

9 Q. Now, when you arrived at Mr. Mehanna's house that morning,
00:55 10 who was there?

11 A. Ahmad Abousamra was there, Tarek and Kareem Abuzahra was
12 there. And Tamer was there too, Tarek's brother.

13 Q. Now, did you have any conversation with either Mr. Mehanna
14 or Mr. Abousamra about their parents?

15 A. On that occasion?

16 Q. Yes.

17 A. I think -- oh, I think Ahmad Abousamra said something
18 about, you know, what I was going to tell -- I think I asked
19 them, "What am I going to tell your parents?" you know, and
00:55 20 Ahmad was just, you know, "Make an excuse" or whatever
21 that -- I don't exactly remember what I said or he said, but I
22 think the gist of it was I was just going to make up an excuse
23 and tell them something.

24 Q. Now, you said you drove them to the airport. Can you
25 describe what happened inside the car?

1 A. In the car -- it was very quiet and very somber in the
2 car. It wasn't -- there wasn't a lot said in the car. We were
3 just driving to the airport, and that's how I remember it.

4 Q. Now, sometime later did you see any of the three men
5 again?

6 A. Yes.

7 Q. Who did you see first?

8 A. I saw Kareem Abuzahra first.

9 Q. And did you have a discussion with him?

00:56 10 A. Yeah, I was curious as to why -- because I wasn't in
11 contact with them when they left. I was kind of curious as to
12 why Kareem Abuzahra came back but not everybody else, like if
13 something went wrong or they should have -- they would have all
14 came back.

15 MR. CARNEY: May we approach, please?

16 THE COURT: All right.

17 (Discussion at sidebar and out of the hearing of the
18 jury:)

19 MR. CARNEY: Your Honor, for statements to be
00:57 20 admissible as an exception to the hearsay rule they must be
21 made in furtherance of the conspiracy. I submit that a
22 conversation with Kareem when he came back explaining why he
23 didn't continue on was not in furtherance of the conspiracy;
24 therefore, it is inadmissible as an exception to the hearsay
25 rule.

1 MR. AUERHAHN: Your Honor, I think both the witness
2 and Mr. Abousamra are still coconspirators. Certainly
3 Mr. Abousamra, in 2006, he's still lying to the FBI to protect
4 the conspiracy in which he was a member. So he's still acting
5 to advance the conspiracy. And telling one conspirator about
6 some details of the events that involved all of them seems, to
7 me, is in furtherance of the conspiracy in which this witness
8 and Mr. Abousamra and Mr. Mehanna and Mr. Abuzahra remembers.

9 MR. CARNEY: Well, the First Circuit and other courts
00:58 10 have said just because people are talking about something does
11 not mean it's advancing the conspiracy, and for it to be an
12 exception -- the only carve-out as an exception under the
13 confrontation clause is if this conversation was advancing the
14 conspiracy. And that's not what happened here.

15 THE COURT: What's the answer?

16 MR. AUERHAHN: That he came back because of the email
17 message from his parents. So he came back earlier and didn't
18 stay with them. He also will describe, through the witness,
19 how before he went to Yemen he prepared a video message to his
00:58 20 children telling them essentially sort of who their father is
21 because he didn't think he was coming back. And as far as he
22 knew, Mr. Abuzahra knew, the defendant had -- Abousamra had
23 continued on to Yemen with the intention of going further.

24 So it seems to me, again, it's a statement by one
25 coconspirator to another, giving him details of what's going on

1 in the conspiracy. So it seems to be clearly in furtherance.

2 THE COURT: I think an update on the status of the
3 conspiracy is admissible.

4 (In open court:)

5 BY MR. AUERHAHN:

6 Q. Okay. Sir, before the sidebar I think I asked you about
7 your conversation with Mr. Abuzahra when you first saw him
8 after his return. And can you describe that conversation as
9 best you can recall it?

01:00 10 A. I asked him where the others were and why he had come
11 back. He said that his wife had found out, or something like
12 that, and he couldn't keep going so he came back, and the
13 others had kept going. And he was like, "That's them. If they
14 wanted to keep going they can," but he said he couldn't keep
15 going because his wife -- you know, he couldn't leave his wife
16 and he didn't want to go.

17 Q. Did Mr. Abuzahra tell you anything about a video?

18 A. Yeah, he did. I think he told me about -- I think he had
19 made a video, leaving it for his wife as a will if he didn't
01:00 20 come back. That's as much as I remember about it. I think his
21 wife found out or something. I'm not sure exactly what
22 happened, but he did leave a video as a will. He told me that.

23 Q. Now, besides Mr. Abuzahra, did you then see another one of
24 your friends who had gone to Yemen?

25 A. Yes, I saw Tarek Mehanna after that.

1 Q. And do you recall approximately how long after you spoke
2 to Abuzahra did you see Mr. Mehanna?

3 A. I can't remember. I don't remember how long it was, but
4 it was sometime after that.

5 Q. And did you speak to him about what happened in Yemen?

6 A. Yes, I did.

7 Q. What did Mr. Mehanna tell you?

8 A. He told me that they went from here to some -- I don't
9 remember which country, in like -- maybe it was the UAE or one
01:02 10 of those, and from there they went to Yemen. And in Yemen they
11 went to look for the individual that they -- you know, that was
12 going to help them, and they had a hard time finding him. And
13 he described to me the lifestyle of the people in Yemen and,
14 you know, how they are and how they were. Everybody had
15 weapons, everybody had guns and stuff like that.

16 It was -- he told me about some -- he told me about a taxi
17 ride that he was in, and I think maybe the cab driver had a
18 weapon that he asked them to hold. And he told me a lot of
19 those things. And he also told me that it was hard for them to
01:02 20 find -- like the person that they were supposed to find, they
21 couldn't find him because his family said that he was in hiding
22 and they couldn't get in touch with him.

23 I think eventually at one point they actually did find the
24 person, and he told them that it was nearly impossible for
25 anybody to get any training in training camps around here

1 and -- I don't exactly remember why they couldn't, but he told
2 them that they couldn't get any training there.

3 And then they went to this school -- this religious
4 school -- where they stayed for a little while. I don't know
5 if this was while they were looking or after. I don't know
6 exactly the sequence of how all that happened. I don't
7 remember. But they did stay at a school for some time. And
8 then they -- then Ahmad and Tarek left from there, and Tarek
9 came back here and Ahmad went to Syria or -- he went to Syria.

01:03 10 Q. Did Mr. Mehanna tell you where Abousamra was going after
11 he left Yemen?

12 A. He told me that he was going to try to -- yeah, he was
13 going to try to find a way to get into Iraq. And he was just
14 going to Syria and that he was going to try to get into Iraq,
15 and that was that.

16 Q. Now, at some point did Mr. Abousamra return as well?

17 A. Yes.

18 Q. And did you speak to him after his return?

19 A. Yes.

01:04 20 Q. And what did Mr. Abousamra tell you about what he did
21 after leaving the United States and traveling to Yemen?

22 A. He told me a lot of the similar details about Yemen, and
23 he gave me kind of like the same overview of it. And, you
24 know, then he went to Syria. And then I don't remember if it
25 was Tarek who told me or if it was Ahmad who told me -- I don't

1 think it was Ahmad who told me that he went to Fallujah. It
2 was either Tarek or somebody else who told me that he found a
3 way to get to Fallujah in Iraq, and there Ahmad tried to -- or
4 maybe it was Ahmad who told me. I'm not sure who told me this.
5 But I know that Ahmad went to Fallujah, and he tried to fight
6 there, but when he met the people there -- when he met the
7 people there they didn't -- they thought he was a spy and that
8 they didn't want him so he couldn't fight there -- he couldn't
9 fight there either, so I think he went back.

01:05 10 Q. Did Abousamra tell you why he went specifically to
11 Fallujah?

12 A. At that time there was a lot of fighting going on there
13 against U.S. soldiers, and that's why he went there.

14 Q. Did Mr. Abousamra give you any more details about his and
15 Mr. Mehanna's efforts to find a camp in Yemen?

16 A. I don't remember him giving me any more detail. I'm not
17 sure. If he said anything more, I can't remember.

18 Q. Now, after Yemen -- after the Yemen and Iraq trips, did
19 you ever hear either of them use the name "Bob" to signify
01:06 20 something?

21 A. "Bob"?

22 Q. "Bob."

23 A. Yes.

24 Q. What was that a code for?

25 A. It was a code for "FBI."

1 Q. And in December of 2006 did you learn that Mr. Mehanna and
2 Mr. Abousamra were questioned by the FBI?

3 A. I don't remember the exact date, but I did find out after
4 they'd come back from the Yemen trip that they were questioned
5 by the FBI.

6 Q. And did you talk to Mr. Mehanna about when he was
7 questioned by the FBI?

8 A. Yes.

9 Q. And what did Mr. Mehanna tell you?

01:06 10 A. That -- I don't remember the exact details, but I do
11 remember -- I remember I asked him, "Did they ask about me and
12 what did they say?" and I can't remember the details but they
13 were asking him about -- I think they were asking him about
14 Yemen, if I remember correctly.

15 Q. And did he tell you what they had asked or what he had
16 said or just the topic?

17 A. I remember the topic more clearly but I think -- I think
18 something to the effect of -- as to why they had gone to Yemen
19 and what was the purpose of their trip and I think -- I know
01:07 20 there was more detail about Ahmad, that he --

21 Q. Let's stick to Mr. Mehanna first and then I'll ask you
22 about Mr. Abousamra.

23 A. Okay. I don't remember in exact detail -- I don't
24 remember exactly what Tarek Mehanna said when I asked him, but
25 I do know it was about the Yemen trip. It was about the Yemen

1 trip.

2 Q. Did he tell you they also asked him about another
3 individual?

4 A. Yes.

5 Q. And what did he tell you?

6 A. They -- he told me that they asked him about
7 Daniel Maldonado.

8 Q. And did he tell you anything about that part of the
9 questioning?

01:08 10 A. I think just the normal, like, how he knows Daniel
11 Moldanado and things like that.

12 Q. Okay.

13 A. Just his relationship with Daniel Moldanado. He told me
14 that they were questioning him because he knew Daniel Moldanado
15 and -- yeah.

16 Q. What did Mr. Abousamra tell you about his visit from the
17 FBI?

18 A. Ahmad Abousamra told me that he was questioned about his
19 trip to Yemen and he told me that his plan was to, you know,
01:08 20 tell them that he went to that religious school to try to, you
21 know, just play it off as, you know, him getting an education
22 there and that that was going to be his story when they asked
23 him.

24 Q. Did he tell you what his plans were?

25 A. He wanted to leave. He wanted to leave right away.

1 Q. Now, since December of 2006 have you seen Mr. Abousamra?

2 A. No, I haven't.

3 Q. Now, you mentioned earlier that you had your own
4 immigration problems?

5 A. Yes.

6 Q. Okay. Are you currently fighting deportation?

7 A. Yes.

8 Q. So you're not a citizen and not a legal permanent
9 resident?

01:09 10 A. No.

11 Q. And where is your father?

12 A. He's in Pakistan.

13 Q. Okay. Did he leave the United States voluntarily?

14 A. No. Well, not really. No.

15 Q. Okay. He was also prosecuted and deported?

16 A. Yes.

17 Q. Now, in September of 2009 did you testify in immigration
18 court?

19 A. Yes.

01:10 20 Q. Do you recall being asked, "Have you had contact with
21 anyone who may espouse jihad?"

22 A. Yes.

23 Q. Do you remember being asked that question?

24 A. I do.

25 Q. And after agreeing that jihad, in this context, means

1 "violent jihad," did you answer yes or no to the question,
2 "Have you had contact with anyone who may espouse violent
3 jihad?"

4 A. I said no.

5 Q. Was that true?

6 A. No, it was not.

7 Q. You were also asked about your support of violent jihad.
8 Do you remember that?

9 A. Yes.

01:10 10 Q. And in 2009 do you remember what answer you gave?

11 A. I said no.

12 Q. Was it true in 2009?

13 A. Yes.

14 Q. Was it true in 2001, 2002, 2003, 2004, 2005, 2006?

15 A. No, it was not.

16 MR. AUERHAHN: No further questions, your Honor.

17 CROSS-EXAMINATION

18 BY MR. CARNEY:

19 Q. Good morning, Mr. Masood.

01:11 20 A. Good morning.

21 Q. My name is J. Carney.

22 A. Hi.

23 Q. The prosecutor asked you when you first met
24 Ahmad Abousamra.

25 A. Yeah.

1 Q. And it was when you moved to Sharon. Is that correct?

2 A. That's -- I met him before I moved to Sharon.

3 Q. Were you about 16 years old when you met him?

4 A. I don't remember. I guess, yeah.

5 Q. When you moved to Sharon, you attended the same school as
6 he did?

7 A. No.

8 Q. Did you attend the same Sunday school?

9 A. I didn't attend Sunday school; I used to teach there.

01:12 10 Q. And did you meet him there?

11 A. I did meet him there.

12 Q. You told us that you formed a close friendship with
13 Mr. Abousamra. Is that right?

14 A. Yes. Yes.

15 Q. In fact, you even viewed him as a mentor. Is that right?

16 A. I did.

17 Q. Someone who would be able to help you learn about
18 things --

19 A. Yes.

01:12 20 Q. -- as a Muslim. Is that right?

21 A. Yes.

22 Q. Now, he was approximately the same age as you or a little
23 older?

24 A. He was a little older, but yes.

25 Q. And you lived in the same town?

1 A. No.

2 Q. Or close to?

3 A. Close to.

4 Q. And you certainly were attracted to Abousamra's very
5 outgoing personality?

6 A. Yes.

7 Q. Is that right?

8 And, in fact, he had a very dynamic personality,
9 Abousamra, didn't he?

01:13 10 A. Yes, he did.

11 Q. Would you agree that he was a smart person?

12 A. Yes, he was.

13 Q. Very confident in his beliefs?

14 A. Yes.

15 Q. Very forceful in trying to convince people of his beliefs?

16 A. Yes.

17 Q. He was certainly knowledgeable about Islam, wasn't he?

18 A. Yes, he was.

19 Q. More knowledgeable than you at the time?

01:13 20 A. Yes.

21 Q. He also was completely fluent in Arabic, both speaking and
22 writing it, wasn't he, to your knowledge?

23 A. He was fluent in reading it. I'm not sure if he was
24 fluent in writing it.

25 Q. He also was a good public speaker?

1 A. Yes.

2 Q. Frequently would stand up in front of a small group or
3 even a large group to put forward his opinions?

4 A. Yes.

5 Q. And he was a persuasive individual, wasn't he?

6 A. Yes. Yes, he was.

7 Q. When you met him during this time period when he was a
8 teenager, he was telling you that he was interested in learning
9 more about his religion, Islam, right?

01:14 10 A. Yes.

11 Q. And that, of course, is your religion and has always been
12 your religion as well, right?

13 A. Yes.

14 Q. And you and he often spoke about religious topics as
15 teenagers leading into your early 20s?

16 A. Yes.

17 Q. You'd talk about how to pray, for example?

18 A. Yes.

19 Q. There are different ways in Islam to pray, and so you
01:14 20 would discuss what he thought was the appropriate way to pray,
21 right?

22 A. Right.

23 Q. There was also discussions about various sects of Islam.
24 And by that word I mean S-E-C-T-S, different groups like Sunni,
25 Shi'ites and others?

1 A. Yes.

2 Q. And he had very strong beliefs about which one of those
3 was the correct one, correct?

4 A. Yes.

5 Q. And he would always press these views on you, wouldn't he?

6 A. Yes, he would.

7 Q. And you were receptive to them?

8 A. I was.

9 Q. He also did this with everybody in his circle, wasn't he?

01:15 10 A. Yes, he did.

11 Q. It's easy to say that he was the most passionate person
12 about these subjects in your social circle.

13 A. Yes, he was.

14 Q. And everyone else would sit, and when they would discuss
15 this it was always discussing Abousamra's opinion. That was
16 the cornerstone of the discussions, not what other people
17 believed but discussed what he believed, right?

18 A. Right. Abousamra.

19 Q. And he usually had a very strong opinion about what was
01:15 20 the right answer, true?

21 A. True.

22 Q. He was a confident debater with people, wasn't he?

23 A. Yes, he was.

24 Q. He would try to persuade them and, in fact, wear them down
25 by the force of his personality and the righteousness, he would

1 say, of his argument?

2 A. Yes.

3 Q. And people would sometimes start to disagree with him but
4 it became easier just to let him go on. Isn't that right?

5 A. Yes.

6 Q. And that's the approach you took, right?

7 A. I did, yeah.

8 Q. And that's the approach Tarek took, right?

9 A. To my knowledge, yes.

01:16 10 Q. Now, in the year 2000 you graduated from high school?

11 A. Yes.

12 Q. And Tarek graduated in the class of 2000 as well. Is that
13 right?

14 A. I thought Tarek was a bit older, but maybe, yes.

15 Q. Do you recall his graduating from high school in Sudbury
16 in 2000?

17 A. No, I don't.

18 Q. Okay. Now, at this point all four of you -- or four of
19 you that you were with -- were all beginning college, correct?

01:16 20 A. Yes.

21 Q. Or were in college?

22 A. I wasn't in college right away, but yes.

23 Q. You eventually started at Bunker Hill --

24 A. Yes.

25 Q. -- College in Charlestown?

1 A. Yes, I did.

2 Q. Abousamra was at Northeastern?

3 A. Yes.

4 Q. Kareem Abuzahra was at UMass Lowell. Is that right?

5 A. Yeah.

6 Q. And Tariq was at the Mass. College of Pharmacy?

7 A. Yeah, he was.

8 Q. Now, the four of you would usually go to the mosque on
9 Friday for the service, right?

01:17 10 A. Right.

11 Q. And what would occur on a Friday would be prayers, right?

12 A. Uh-huh.

13 Q. Is that right?

14 A. Yes.

15 Q. Someone would give a sermon, right?

16 A. Right.

17 Q. And there would be a lot of Muslim kids your age who
18 attended these sessions. Isn't that right?

19 A. That's correct, yeah.

01:17 20 Q. The parents often knew each other and would get together
21 for dinner parties?

22 A. Yes.

23 Q. And, in fact, you met Tarek at a dinner party, didn't
24 you --

25 A. Yes.

1 Q. -- by Abousamra's parents --

2 A. Yes.

3 Q. -- that you attended with your parents, Tarek attended
4 with his parents. And that's when you first really met him.
5 Isn't that right?

6 A. That's correct, yeah.

7 Q. Now, you four began a tradition in about 2000 of going to
8 a restaurant together to get something to eat on Friday nights
9 after the prayers and the sermons?

01:18 10 A. We did that from time to time, yeah.

11 Q. Didn't the four of you regularly go out on a Friday night
12 to a restaurant and talk about religious subjects?

13 A. I never knew it as a program over the period -- I think we
14 just went out to eat. When we went out to eat.

15 Q. And when you went out to eat, you would spend hours at a
16 restaurant, wouldn't you?

17 A. Yes.

18 Q. And the four of you were talking, correct?

19 A. I don't remember the four of us. I don't remember -- I
01:19 20 don't know which four you're talking about.

21 Q. I'm talking about Abousamra --

22 A. Uh-huh.

23 Q. -- I'm talking about Kareem Abuzahra, I'm talking about
24 you and I'm talking about Tarek.

25 A. I don't remember Kareem Abuzahra as often as I remember

1 the three of us hanging out.

2 Q. He would occasionally come?

3 A. He would be there occasionally, yeah.

4 Q. But the three of you went regularly, didn't you?

5 A. We did, yeah.

6 Q. And the primary discussion was about Islam, your religion,
7 wasn't it?

8 A. Most of the time.

9 Q. All three of you were very interested in learning more
01:19 10 about the Muslim faith.

11 A. Yes.

12 Q. And, in particular, you were trying to figure out how to
13 fit Islam into your lives as Americans, people living in
14 America, right?

15 A. Yes. Yes.

16 Q. For example, you're expected to pray five times a day.
17 Isn't that right?

18 A. That's correct.

19 Q. And you might talk about how do you pray when you're in
01:20 20 school --

21 A. Yes.

22 Q. -- right? Or how do you pray if you're at work?

23 A. Right.

24 Q. Your parents had -- the parents of all three of you had
25 been born outside the United States, to your knowledge. Isn't

1 that right?

2 A. To my knowledge, yes.

3 Q. But all the kids had grown up in the United States?

4 A. Yes.

5 Q. Including yourself?

6 A. Yes.

7 Q. And you know Tarek was born in the United States?

8 A. I think that's true, yeah.

9 Q. Tarek would often bring books to these meetings, wouldn't
01:20 10 he?

11 A. I don't remember a particular incident, but I guess, yeah.

12 Q. Do you remember that he would bring books that were
13 scholarly books that he wanted to discuss; for example, that
14 might contain a hadith that you could discuss on a Friday night
15 at the restaurant?

16 A. Yes.

17 Q. Tarek was very interested in the scholarly aspects of
18 Islam, wasn't he?

19 A. Yes, he was.

01:21 20 Q. He was always talking about the Qur'an as giving guidance
21 how to live a life, right?

22 A. True.

23 Q. In your opinion did he sincerely believe that he had an
24 obligation to follow the teachings of the Qur'an?

25 A. Yes, he did.

1 Q. And he would talk about the prophet Mohammed, wouldn't he?

2 A. Yes, he would.

3 Q. And he would talk about the companions of the prophet?

4 A. Yes.

5 Q. And the hadiths which are, in effect, essays written about
6 things that the prophet had said, right?

7 A. Right.

8 Q. And Tarek would talk about scholars who had written things
9 in the fifteenth century or sixteenth century and want to bring
01:21 10 that to the discussion, right?

11 A. Yes.

12 Q. Did you ever go to his house?

13 A. Yes.

14 Q. Did you see in his bedroom that he had a number of
15 floor-to-almost-ceiling bookcases?

16 A. He had a lot of books, yeah.

17 Q. He had a huge collection of books related to Islam --

18 A. Yes.

19 Q. -- right?

01:22 20 And some of them were classic texts from hundreds of years
21 ago, correct?

22 A. That's correct, yeah.

23 Q. And Tarek, when you knew him, was trying to be able to
24 learn to read Arabic better. Isn't that right?

25 A. Yes.

1 Q. He wanted to be able to read these ancient texts, right?

2 A. Yes. Right.

3 Q. And these texts were written in a form of Arabic that's
4 not usually used or spoken now. Isn't that right?

5 A. I think so, yeah.

6 Q. And he, during this time, was trying to learn that Arabic
7 better so that he could have these books and understand them,
8 right?

9 A. Right.

01:22 10 Q. He even had a blog. Did you ever see his blog?

11 A. I don't -- there were chats that we discussed Islamic
12 issues on, yeah.

13 Q. But do you remember Tarek having a blog where he would
14 post translations of some of these ancient texts from Arabic to
15 English so people could read them?

16 A. I don't remember him having a blog, but I do know that he
17 did translate some ancient texts, some of those older books,
18 religious texts into English, yeah.

19 Q. He was very interested in Islamic law, right?

01:23 20 A. Yes.

21 MR. AUERHAHN: Your Honor, too many questions about
22 going into the mind of the defendant through this witness, and
23 I object to --

24 THE COURT: Well, okay. Some attention to foundation,
25 I guess, is maybe the -- as to scope, I'm going to give some

1 latitude on scope.

2 BY MR. CARNEY:

3 Q. You talked about how to socialize, for example, go to
4 parties when, as a Muslim, you're not supposed to drink alcohol
5 at any time or certainly not take illegal drugs, right?

6 A. Right.

7 Q. You talked about -- in these Friday sessions a lot about
8 girls?

9 A. Yes.

01:24 10 Q. Women?

11 A. Yeah.

12 Q. I mean, that was a big topic at these Friday night
13 meetings, right?

14 A. Yes.

15 Q. And it was, in effect, how you would be able to find a
16 wife as a Muslim because of certain restrictions that you were
17 under.

18 A. Yes.

19 Q. For example, you weren't allowed to kiss a girl you were
01:24 20 dating, right?

21 A. Right.

22 Q. And, in fact, in the Muslim faith, in effect, marriage
23 happens right away rather than extended dating.

24 A. That's correct.

25 Q. Isn't that true?

1 A. Yes.

2 Q. So the issue is how do you find a good woman that you
3 would want to marry and who would want to marry you, right?

4 A. Yeah.

5 Q. And this was another discussion issue that you would have
6 at these Friday settings.

7 A. Right.

8 Q. And Tarek always brought it back to what is permitted
9 under Islamic law, right?

01:25 10 A. That's correct, yeah.

11 Q. And he believed, based on your discussions with him at
12 these meetings, that one looks to these religious texts like
13 the Qur'an for guidance about how to do things like get
14 married, right?

15 A. Yeah, the Qur'an and the hadith. Yeah.

16 Q. Now, during these sessions and others like them, you were
17 learning more about your faith, right?

18 A. Yes.

19 Q. You were learning about the history of Islam?

01:25 20 A. Yes.

21 Q. And you often had Tarek present passages from the Qur'an
22 or hadiths about the prophet as a subject to discuss at these
23 meetings, right?

24 A. That's correct, yeah.

25 Q. He was kind of like a teacher. Is that fair to say?

1 A. Yes.

2 Q. He also had a conservative view of religion, right?

3 A. That's correct.

4 Q. Now, you mentioned a moment ago that he was or is an
5 American citizen, to your knowledge, right?

6 A. Yes.

7 Q. He occasionally would go back with his family to Egypt
8 because that's where his parents were from?

9 A. Yes.

01:26 10 Q. And when he would come back, he often would bring back a
11 suitcase full of books that he had bought there?

12 A. I do remember him telling me about bringing back books,
13 yeah.

14 Q. Sorry?

15 A. I remember him telling me about bringing back books, yeah.

16 Q. From Egypt when he would go on these trips?

17 A. Yeah.

18 Q. Now, as part of these discussions that you were having and
19 learning more about your Muslim faith, you also learned about
01:26 20 suffering that Muslims had endured solely because they were
21 Muslims. Isn't that right?

22 A. That's correct, yeah.

23 Q. And this was really the first time in your life that you
24 were looking at all this suffering that was actually going on
25 in other parts of the world by other Muslims, right?

1 A. Yes, I guess.

2 Q. Like, for example, you learned that in Iraq children were
3 dying because of an embargo that prevented medicine from going
4 into the country, right?

5 A. Right.

6 Q. And you would discuss this in these group meetings, right?

7 A. That's true.

8 Q. It's fair to say that Tarek was upset with the fact that
9 children were dying in Iraq because of this?

01:27 10 A. That's true.

11 Q. And you were upset, weren't you?

12 A. That's true.

13 Q. You talked about the events going on in Bosnia, didn't
14 you?

15 A. We did.

16 Q. And what was going on in Bosnia was a genocide, wasn't it?

17 A. Yes, it was.

18 Q. And what I mean by that term is that Serbs were trying to
19 eliminate every Muslim that lived in Bosnia the same way that
01:28 20 the Nazis tried to kill every Jew that lived in Poland, right?

21 A. Yes.

22 Q. And you also talked about Chechnya, correct?

23 A. We did.

24 Q. And how the Russians were trying to do ethnic cleansing
25 and move all the Muslims out of their villages and where their

1 families had grown up for centuries, right?

2 A. Right.

3 Q. Simply because, once again, they're Muslims. Isn't that
4 true?

5 A. Yes.

6 Q. You certainly discussed the fact that Russia invaded
7 Afghanistan, a Muslim country, correct?

8 A. That's correct.

9 Q. And the fact that they were trying to impose their rule
01:29 10 over the Afghan country?

11 A. That's correct.

12 Q. And a lot of these things that you saw -- or, rather,
13 talked about were things that you could see if you watched
14 Aljazeera, right?

15 A. Right.

16 Q. And Aljazeera, as we've heard earlier, is like CNN but for
17 the Arab-speaking world, right?

18 A. I think so, yeah.

19 Q. And there were a lot of videos on Aljazeera, a lot of
01:29 20 documentaries. Isn't that true?

21 A. I think so, yeah.

22 Q. Now, by going through this education about your religion
23 and talking about the suffering going on in the world by other
24 Muslims, and the more you learned about your obligations
25 under -- as a Muslim under the Qur'an, it's fair to say that

1 you developed a connection with people around the world who
2 were Muslim as they were your brothers and sisters?

3 A. Yes.

4 Q. And you believed that the Qur'an obligated you to come to
5 their assistance if they were in a Muslim country and that
6 country was attacked or invaded. Isn't that right?

7 A. That's correct, yes.

8 Q. Now, in trying to figure out what you should do, you were
9 doing it in the context of the fact that you were a Muslim in
01:30 10 America, right?

11 A. Right.

12 Q. What I mean by that is if you were going to do something,
13 you were talking with this group about what you should do,
14 right?

15 A. Yes.

16 Q. The Imams were not of particular help, were they?

17 A. No, they weren't.

18 Q. And the Qur'an, of course, was written centuries ago so it
19 doesn't give direct answers on what to do in the modern world,
01:31 20 right?

21 A. That's true.

22 Q. But you tried to read the Qur'an and the words of the
23 prophet and tried to say, "How does that apply to the modern
24 world" --

25 A. Right.

1 Q. -- and figure out what to do?

2 A. Right.

3 Q. On September 11th was the attack on New York, Washington,
4 and one that ended in Pennsylvania, right?

5 A. Right.

6 Q. That was shocking to you, wasn't it?

7 A. Yes.

8 Q. Unexpected to you?

9 A. Yes.

01:31 10 Q. And after 9/11 it's fair to say that as a Muslim
11 everything changed. Isn't that right?

12 A. That's correct, yeah.

13 Q. When you had been having these discussions with your
14 friends, you were talking about the Mongols driving out the
15 Muslims or the Serbs in Bosnia or the Russians in Chechnya or
16 the Russians in Afghanistan, right?

17 A. Right.

18 Q. But now you were living in a country, your country, that
19 had been attacked by Muslims, your faith and heritage, right?

01:32 20 A. Right.

21 Q. And is it fair to say that that was confusing to you as
22 well at that point?

23 A. Yes.

24 Q. Did you find that people in the community where you lived
25 seemed to look at you differently because you were a Muslim?

1 A. In terms of who?

2 Q. Well, did they seem to treat you a little differently?

3 A. Who in my community?

4 Q. People that you might encounter. For example, did you
5 have a beard back then?

6 A. Yes.

7 Q. A typical Muslim beard?

8 A. Yes.

9 Q. Like Tarek has to this day?

01:32 10 A. Yeah.

11 Q. Did Ali Aboubakr have a beard back then, if you knew him?

12 A. I knew him but I don't remember him having a beard. He
13 might have had a few -- he had some facial hair, but I don't
14 remember him having a full beard.

15 Q. Now, after 9/11 you continued the discussions with Tarek
16 and Abousamra and occasionally Kareem, didn't you?

17 A. Yes.

18 Q. But the one difference was instead of doing it in public
19 at restaurants, you did it in the house, right?

01:33 20 A. Yeah. We would still go out and eat sometimes.

21 Q. But you wouldn't have these freewheeling discussions about
22 Islam and what to do as a Muslim out in public. You now
23 brought those in the house to --

24 A. Maybe not as often, yeah, but we brought them to the
25 house.

1 Q. -- because it was a little uncomfortable to talk about
2 them where people might be hearing you in the next table?

3 A. Yes.

4 Q. Because they might treat you differently because you were
5 Muslim?

6 A. Yes.

7 Q. Now, as part of these discussions you also learned about
8 Osama bin Laden, right?

9 A. Yes.

01:34 10 Q. And you talked about him?

11 A. Yes, we did.

12 Q. And you learned that he had been from Saudi Arabia and was
13 a man of great wealth, correct?

14 A. That's true.

15 Q. And when this -- the Russians invaded Afghanistan, he went
16 to Afghanistan to defend that country, right?

17 A. That's correct, yeah.

18 Q. He contributed all of his millions, multimillions, to the
19 cause of helping the Afghan Freedom Fighters get Russia out of
01:34 20 Afghanistan, right?

21 A. To my knowledge, yes.

22 Q. He was viewed as a great mujahideen. Is that right?

23 A. Yes.

24 Q. A holy warrior?

25 A. Yes.

1 Q. And he was considered a hero to many Muslims because of
2 his role in getting the Soviets, or the Russians, out of
3 Afghanistan, right?

4 A. Yes.

5 Q. He was a hero to Muslims and he was a hero to others, to
6 your knowledge, at that time?

7 A. Yes.

8 Q. Now, when you began discussing the attacks of 9/11 it was
9 partly in the context of all these other things that had been
01:35 10 going on about Muslims around the world, as in Bosnia and
11 Serbia and Afghanistan and Iraq and elsewhere, right?

12 A. Yes.

13 Q. And when you talked about 9/11 after all of these
14 discussions, you said that Abousamra believed that the 9/11
15 attack was therefore justified because of the suffering caused
16 to Muslims around the world, right?

17 A. That's correct.

18 Q. And the things that the United States had done such as
19 prop up dictators in countries like Iraq or Libya or Syria that
01:36 20 would oppress Muslim people there, right?

21 A. Yes.

22 Q. And you mentioned that Tarek also believed that it was
23 justified.

24 A. Yes.

25 Q. What you didn't mention, I don't think, is that you

1 personally believed sincerely that the 9/11 attacks were
2 justified. Isn't that right?

3 A. I did believe it, yeah.

4 Q. You did believe it?

5 A. Yeah.

6 Q. And you believed that -- or you stated that you were proud
7 of the 9/11 attack by those Muslims, right?

8 A. Yes.

9 Q. So that you not only agreed with it, but it made you proud
01:37 10 that they had done that, right?

11 A. Yes.

12 Q. Now, you began to discuss with Tarek and Abousamra and
13 others who might be present what you should do as a Muslim,
14 right?

15 A. Right.

16 Q. What you could do as a Muslim, right?

17 A. Right.

18 Q. What you're obligated to do as a Muslim, right?

19 A. Right.

01:37 20 Q. And Abousamra very forcefully would say that it is the
21 obligation of Muslims to go to a Muslim country to defend it
22 against an invading army, correct?

23 A. That's correct, yeah.

24 Q. And he talked about that a lot. Isn't that right?

25 A. That's correct, yeah.

1 Q. He said that it was an obligation or duty of Muslims, for
2 example, to protect Osama bin Laden?

3 A. Yes. Yeah.

4 Q. And you were comfortable with that, right?

5 A. Yes.

6 Q. You supported that, correct?

7 A. I did, yeah.

8 Q. You mentioned on your direct examination that you
9 sometimes talked about a person named Mullah Omar, correct?

01:38 10 A. That's correct, yeah.

11 Q. He was the overall leader in the Afghan effort to expel
12 the Russians, wasn't he?

13 A. I don't remember him being the one who was involved in
14 expelling the Russians.

15 Q. Are you aware that he was in Afghanistan and in the
16 military resisting the Russians?

17 A. I don't remember. I'm not really -- I don't even know
18 that for a fact. He might have been.

19 Q. In addition to being proud of 9/11 and in addition to your
01:39 20 saying it was the obligation to defend Osama bin Laden, you
21 also said that under certain circumstances, suicide bombings
22 were okay?

23 A. Yes.

24 Q. And certainly by "suicide bombings," you're talking about
25 someone who might wear, for example, a vest laden with

1 explosives and go into a market and detonate the explosion to
2 kill the maximum number of people, correct?

3 A. That's correct.

4 Q. And that is another thing that you were supportive of?

5 A. As long as it was a military target, yes.

6 Q. But you knew that other people were being killed.

7 A. Yes.

8 Q. And Tarek had a problem with suicide bombings, didn't he,
9 because of the fact that innocent people were often -- or

01:39 10 sometimes -- the only people killed by a suicide bomber, right?

11 A. Yes. He had that concern, yes.

12 Q. And he would say that the only proper thing to do by
13 someone defending a Muslim country would be to attack the
14 military, correct?

15 A. That is correct, yeah.

16 Q. And by "military," he was referring to the troops that had
17 invaded the country, correct?

18 A. That's correct, yeah.

19 Q. And that, in fact, he would express the view that under
01:40 20 Islam, it's improper to kill people who were not part of the
21 military effort.

22 A. That is correct, yeah.

23 Q. And that included whether it was someone who was a
24 different faith, right?

25 A. Yes.

1 Q. Or someone who was an American, right?

2 A. Right.

3 Q. Or someone who was working in the country, correct?

4 A. Right.

5 Q. They were off-limits unless they were involved directly as
6 a military soldier in that military effort, right?

7 A. Right.

8 Q. Abousamra didn't agree with this. His view was much more
9 extreme, wasn't it?

01:41 10 A. Yes, it was.

11 Q. And Abousamra believed it was okay in the course of battle
12 if women and children were killed, right?

13 A. Yes.

14 Q. That if someone were from the United States and was
15 located in a Muslim country during this time, that they could
16 be a target, right?

17 A. Yes.

18 Q. And, in fact, just by virtue of the fact that you were
19 from the United States, that made you a target, right?

01:41 20 A. Yes.

21 Q. That was Abousamra's view?

22 A. That was, yeah.

23 Q. That was not Tarek's view?

24 A. No, it wasn't.

25 Q. Now, you told us earlier that Abousamra moved to Methuen,

1 correct?

2 A. That's correct, yeah.

3 Q. And you would visit him there, wouldn't you?

4 A. Yes.

5 Q. And he was constantly talking about his interest in going
6 abroad to fight, wasn't he?

7 A. That's true.

8 Q. I mean, it was the primary thing he talked about, wasn't
9 it?

01:42 10 A. Yes.

11 Q. And to do that he would need to receive military training,
12 right?

13 A. That's correct, yeah.

14 Q. So he was trying to find a place where he could get that
15 military training and then go on to a war zone and fight,
16 correct?

17 A. That's correct, yeah.

18 Q. Now, at this time he had been going to school, right?

19 A. Yes.

01:42 20 Q. But did he drop out of college?

21 A. Yes, he did.

22 Q. Also at this time he had been married, right?

23 A. Yes, he had.

24 Q. He had a child, didn't he?

25 A. Yes.

1 Q. And because of all this constant talk about fighting and
2 his desire to go off, his marriage was deteriorating as well,
3 right?

4 A. I'm not sure if that was the cause of it, but, yes, I
5 guess so.

6 Q. Well, it was happening at the same time, right?

7 A. Yes.

8 Q. Now, Abousamra told you he wanted to go to Pakistan to
9 seek military training, correct?

01:43 10 A. That's correct, yeah.

11 Q. And he wanted you to contact your uncle to see if your
12 uncle could provide assistance, right?

13 A. Right.

14 Q. And your uncle was one of the founders of a Pakistan
15 terrorist organization?

16 A. Yes.

17 Q. The initials are LeT?

18 A. Yup.

19 Q. And you gave the full name earlier?

01:43 20 A. Yes.

21 Q. Lashkar-e-Taiba?

22 A. Lashkar-e-Taiba.

23 Q. My Pakistan is rusty.

24 So he thought if you contact your uncle, he would be able
25 to help Abousamra get the training and be able to fight?

1 A. Right.

2 Q. He wanted you to go with him, correct?

3 A. That's correct.

4 Q. And he persuaded you to go with him, didn't he?

5 A. Yes, he did.

6 Q. So you were prepared to leave the United States and go to
7 Pakistan, receive military training, and then go on to an
8 Afghan country and fight and kill invading armies including the
9 United States, right?

01:44 10 A. That's correct, yeah.

11 Q. You got your passport in preparation for that?

12 A. I did.

13 Q. So with this agreement with Mr. Abousamra, do you realize
14 that you had committed a crime?

15 A. No.

16 Q. You were just doing what you thought was appropriate for
17 you to do under your religion?

18 A. Yes.

19 Q. Now, you told the prosecutors when they interviewed you in
01:45 20 2009 that the reason you didn't go was because you had a change
21 of heart because you wouldn't be able to return to the United
22 States. Is that right?

23 A. I don't remember what I said exactly, but I guess, yeah.

24 Q. Do you remember meeting with the prosecutors and a couple
25 of FBI agents when they interviewed you?

1 A. Yes, I do.

2 Q. And didn't you tell them at that time that the reason you
3 didn't go to Pakistan was because you thought you might not be
4 able to come back to the United States?

5 A. That might have been my thought process, yes.

6 Q. Do you have a clear memory today of it?

7 A. My memory of it today is that I wanted to go and my
8 parents stopped me from going.

9 Q. Okay. Do you remember what you told them exactly?

01:46 10 A. I don't remember, no.

11 MR. CARNEY: May I approach the witness, your Honor,
12 please?

13 THE COURT: You may.

14 MR. CARNEY: Page 5.

15 BY MR. CARNEY:

16 Q. Do you remember what you told the FBI when you met with
17 them?

18 A. I don't exactly remember what I told them except that
19 I -- I remember what I told them now is -- just now is that I
01:47 20 wanted to go and my parents found out that I didn't have the
21 passport and my parents prevented me from going and I was upset
22 about that.

23 Q. So you didn't tell them that it was because you had a
24 change of heart that you wouldn't be able to come back to the
25 United States?

1 A. That was a part of my thought process as well.

2 Q. But Tarek Mehanna was never a part of these --

3 THE COURT: Mr. Carney, we're at 11 -- if you're about
4 to begin a new subject -- it sounded like you were. If you're
5 not, if you're still finishing up then go ahead, but if it's a
6 new topic, we could take a break at this point.

7 MR. CARNEY: May I have one more question, please?

8 THE COURT: Go ahead. I'm sorry.

9 BY MR. CARNEY:

01:47 10 Q. Tarek Mehanna was never a part of these discussions with
11 you and Abousamra about going to Pakistan. Isn't that right?

12 A. That's correct -- the first trip, yeah. That's correct.

13 Q. Nothing.

14 A. I don't remember him ever being there, no.

15 MR. CARNEY: Thank you. That's where we'll break.

16 THE COURT: We'll take the morning recess at this
17 point.

18 THE CLERK: All rise.

19 The Court and the jury will take the morning recess.

01:48 20 (The Court and jury exit the courtroom and there is a
21 recess in the proceedings at 11:00 a.m.)

22 (After recess:)

23 (Court and jury in at 11:27 a.m.)

24 CONTINUED CROSS-EXAMINATION BY MR. CARNEY:

25 Q. Mr. Masood, I'd like to direct your attention to March of

1 2003. That was the month that the United States went into
2 Iraq; do you recall that?

3 A. Yes.

4 Q. In that approximate time?

5 A. Yeah.

6 Q. And you and your friends discussed this quite a bit --

7 A. Yes.

8 Q. -- didn't you?

9 A. Yes.

02:17 10 Q. This was not something related to 9/11, was it?

11 A. No.

12 Q. This was an effort to accomplish a change in the
13 government in Iraq by the United States?

14 A. Yes.

15 Q. And that's certainly what you believed, correct?

16 A. That's true.

17 Q. And you and your friends talked about it as the U.S.
18 wanting to have regime change, right?

19 A. That's true.

02:17 20 Q. Do you remember that phrase?

21 A. Yes.

22 Q. And this became a big source of discussion and conflicting
23 emotions for you and Tarek, right?

24 A. That's correct, yeah.

25 Q. In the past, it was the Serbs or the Russians that were

1 attacking a Muslim country, right?

2 A. Right.

3 Q. But your perception was the invasion of Iraq was the
4 United States invading a Muslim country?

5 A. That's correct, yeah.

6 Q. To achieve the overthrow of the leader?

7 A. Yes.

8 Q. No matter how bad that leader was? That was, of course,
9 Saddam Hussein.

02:18 10 A. Yes.

11 Q. And the focus of your discussions really became what
12 should a Muslim person in the United States do in reaction to
13 this, right?

14 A. Yes, yeah.

15 Q. You continued to meet at people's houses and review
16 religious materials and try to find the answer there, right?

17 A. We did, yeah.

18 Q. And you had discussions about what the Qur'an obligates
19 you to do, correct?

02:18 20 A. Yes, yeah.

21 Q. Tarek often circulated essays or documents written by
22 other people for people to read -- for people in your group to
23 read, right?

24 A. I think so. I can't recall, but I guess, yes, it's right.

25 Q. Isn't it also true that he would bring things often to

1 your meetings and talk about them?

2 A. I don't remember a particular instance, but I guess it's
3 true.

4 Q. Well, he was still very interested in looking to the
5 foundations of Islam about how to react to things?

6 A. Yes, yes, it's true.

7 Q. He occasionally would be a speaker at the mosque, wouldn't
8 he?

9 A. That's true.

02:19 10 Q. And people looked at him as someone who was very
11 knowledgeable about Muslim or Islamic jurisprudence, which is
12 a fancy word for the law, right?

13 A. Yes.

14 Q. Now, you also occasionally went onto web forums to see
15 what people were saying, didn't you?

16 A. That's true, yes.

17 Q. And sometimes you made postings on those web forums,
18 right?

19 A. That's true, yes.

02:20 20 Q. A web forum, as I believe people remember, is something
21 set up on the internet whose content is created by the people
22 who visit the site, is that right?

23 A. That's true.

24 Q. A person might go on the site and make a particular
25 comment about something, and others would respond to that, is

1 that correct?

2 A. That's correct, yeah.

3 Q. And the technical term is that the initial comment and the
4 succeeding comments would all be connected and are called a
5 thread?

6 A. That's true, yeah.

7 Q. And so when Tarek would discuss these issues, he'd also
8 comment on what people had posted on web forums, right?

9 A. That's correct, yeah.

02:20 10 Q. You mentioned that the group also looked at videos during
11 this time after the invasion of Iraq, right?

12 A. Before and after, yeah.

13 Q. Now, these, you said, were videos that were certainly not
14 produced by Tarek or any of your group, right?

15 A. No, they weren't.

16 Q. These were often videos -- or almost always videos that
17 were freely available on the internet to obtain?

18 A. I'm not sure if all of them are freely available, but I
19 guess.

02:21 20 Q. Did you ever see any of these on the internet?

21 A. Yes.

22 Q. You mentioned one on direct examination that had been sent
23 to you concerning Daniel Pearl. And that was posted from an
24 internet site?

25 A. That's correct, yeah.

1 Q. Now, these videos were not training videos, in other
2 words, how to make a bomb or a suicide vest, right?

3 A. No, no.

4 Q. The videos were often of mujahideen, Muslim holy warriors,
5 fighting in Bosnia or Chechnya, right?

6 A. Yes.

7 Q. Is it fair to say that the typical video would be
8 something like this: It might start out with quotations from
9 the Qur'an at the outset?

02:22 10 A. Yeah.

11 Q. Then it would have scenes of suffering in a Muslim country
12 by civilians, right?

13 A. That's true, yeah.

14 Q. Perhaps it might be pictures of children who had been
15 burned by white phosphorous who were in a hospital in Iraq or
16 other types of suffering meant to show what the Muslims in that
17 country were enduring?

18 A. That's true, yeah.

19 Q. And then it would go to scenes of what they wanted to
02:22 20 believe of bravery by the mujahideen in fighting, right?

21 A. That's true, yeah.

22 Q. And these would often be scenes of actual battles that had
23 been filmed, right?

24 A. Yes, yeah.

25 Q. So they would be pictures of the mujahideen with

1 rocket-propelled grenades held over their shoulder and firing
2 off the grenade, right?

3 A. Right.

4 Q. Or using a machine gun and fighting in positions?

5 A. Correct.

6 Q. Or these videos would show the aftermath of a battle,
7 people killed, people who were graphically killed by bombs or
8 otherwise?

9 A. Right.

02:23 10 Q. And then at the end, there would be this call that Muslims
11 have an obligation to come and help defend the Muslim country,
12 right?

13 A. True.

14 Q. And you looked at these because it informed you about what
15 was going on in these Muslim countries, correct?

16 A. True, yeah.

17 Q. Now, you don't remember seeing any videos after early
18 2004, isn't that right?

19 A. I don't remember saying that.

02:24 20 Q. Okay.

21 MR. CARNEY: Could I have the grand jury for the
22 witness and counsel only, please, and of course, your Honor.
23 Could we go to Page 63, please. And could I have a mouse,
24 please. Will that mouse work on this?

25 MR. BRUEMMER: No, it won't.

1 MR. CARNEY: Could we go down to -- can you just blow
2 up that portion that you've got right there.

3 Q. Could you read that to yourself, please, Mr. Masood.

4 A. I'm sorry?

5 Q. Can you see that document?

6 A. Yeah, sure.

7 Q. Okay.

8 MR. CARNEY: May I approach the witness, please?

9 THE COURT: Go ahead.

02:25 10 Q. Would you read this to yourself. See where I'm pointing?

11 A. Yeah.

12 Q. Why don't you read that. You can read it right on this
13 because it's the same thing. Read this right down to there.

14 A. (Reading). Okay.

15 Q. Do you now remember that following -- in early 2004,
16 around the time of the Yemen trip, was the last time you ever
17 saw any of these videos with them?

18 A. With them, I don't remember.

19 Q. That's the last time you remember seeing --

02:26 20 A. I remember seeing them, yeah.

21 MR. CARNEY: May I have a moment, your Honor, please?
22 Thank you.

23 Q. Now, during this time period that the prosecutor has been
24 discussing with you and I've been discussing with you, we're
25 focusing on the period from about 2000 to 2004 to 2006, is that

1 right?

2 A. Yeah.

3 Q. In fact, the prosecutor asked you if you didn't believe
4 during this entire period that it was your obligation to go and
5 fight in Muslim countries, right?

6 A. I'm sorry. What was that?

7 Q. I'm sorry. Let me rephrase it.

8 The prosecutor asked you about believing in violent Jihad,
9 right?

02:27 10 A. Right.

11 Q. And he pointed out that in 2009 you said you did not?

12 A. Yes.

13 Q. But that from 2000 to 2006, you very much believed in it,
14 right?

15 A. Right.

16 Q. Now, you were a young man in college during this period of
17 2000, and I guess to the present day, but certainly then you
18 were just starting out in college, right?

19 A. Right.

02:28 20 Q. Recent high school graduate, of course. And you were
21 exploring these issues for the very first time in your life
22 that related to your Muslim faith, isn't that right?

23 A. Right.

24 Q. And isn't it also fair to say that you were trying to find
25 what the right answer would be for you as a Muslim?

1 A. That's correct, yeah.

2 Q. Was that what Tarek was trying to do also in your
3 discussions with him?

4 MR. AUERHAHN: Objection.

5 THE COURT: No. You may have the question.
6 Overruled.

7 Q. And that's what Tarek was doing; it was obvious during
8 these sessions with you?

9 A. Yes, yes.

02:28 10 Q. You've matured a lot since that time period, haven't you?

11 A. I have, yeah.

12 Q. You still -- you don't view things the same now, do you?

13 A. No, I don't.

14 Q. You look back on 9/11 differently, don't you?

15 A. I do.

16 Q. You view the obligation of Muslims now to be differently
17 -- to be different, don't you?

18 A. I do.

19 Q. It's all part of your growing up and maturing, isn't it?

02:29 20 A. It is.

21 Q. During that time period, you sometimes said things that
22 were pretty hateful, didn't you?

23 A. I did.

24 Q. Said things that were crude and immature, right?

25 A. I did.

1 Q. And these were not said publicly, in a conference or in a
2 forum, but, rather, in the context of talking to your friends,
3 right?

4 A. Yes.

5 Q. These are also things that you now look back on with
6 regret, don't you?

7 A. Yes.

8 Q. Abousamra was a very powerful influence in your life,
9 wasn't he?

02:29 10 A. He was.

11 Q. He was very aggressive about convincing you to go and get
12 military training and then go on to fight, right?

13 A. Yes.

14 Q. You ultimately did not fight, did you?

15 A. I did not.

16 Q. Tarek Mehanna, when he was involved in these discussions,
17 was much more willing to listen to opposing views, wasn't he?

18 A. He was.

19 Q. In fact, those are words you used when you were discussing
02:30 20 him with the FBI and the prosecutors, right?

21 A. That's correct, yeah.

22 Q. That his views were much more moderate than Abousamra's
23 and that he often disagreed with Abousamra, right?

24 A. Yes.

25 Q. Tarek often talked to you and Abousamra and Kareem about

1 the fact that it was important to keep your grades up in
2 school, didn't he?

3 A. He did.

4 Q. He said, if he's going to be able to do anything and if
5 you're going to be able to do anything to help the Muslims,
6 then it begins with having good grades in school so that you
7 can have the intelligence to do things, right?

8 A. That's correct.

9 Q. And that was completely in keeping with his character and
02:31 10 how he presented himself as kind of a scholar and a teacher,
11 right?

12 A. Yes.

13 Q. Now, you indicated earlier that when there was a time that
14 Abousamra was present at a meeting or in a small group
15 discussion or even at dinner, the focus was always on what his
16 views were, right?

17 A. Yes.

18 Q. And what he talked about he was going to be doing, right?

19 A. Right.

02:31 20 Q. For example, he said that maybe he should do some acts in
21 the United States, according to you, right?

22 A. Yes.

23 Q. Now, prior to today, you never mentioned that he had been
24 told this by Majid?

25 A. I thought I might have -- I mentioned it before, but I'm

1 not sure if this is the first time I've mentioned it.

2 Q. Today you said that Abousamra said that this fellow in
3 Pakistan that he had met had said that Abousamra should take
4 actions like bombing a financial center in the United States,
5 right?

6 A. Yeah.

7 Q. And kill people in the United States, right?

8 A. Yes.

9 Q. How many times do you think, in total, that you have met
02:32 10 with the FBI and/or met with the prosecutors? Count up every
11 single time. How many times would you estimate?

12 A. Maybe, like, four or five times. I can't be sure but
13 about that much.

14 Q. You certainly met with the FBI and the prosecutors in
15 2009?

16 A. Yeah.

17 Q. And you never mentioned anything about any domestic acts
18 of terrorism at that meeting, did you?

19 A. I don't -- I mentioned whatever came to my memory at that
02:33 20 time.

21 Q. Was your memory better in 2009 than it is today?

22 A. I remember some -- certain things I remember today.
23 Certain things I remembered then.

24 Q. Was your memory better then than today?

25 A. I don't -- in terms of what? I mean, I'm not sure what

1 you're saying.

2 Q. You didn't mention anything about any domestic violence,
3 any actions being taken in the United States in 2009 when you
4 met with the FBI, did you?

5 A. I don't remember if I did or if I didn't.

6 Q. You didn't mention it when you testified before the grand
7 jury in 2009, did you?

8 A. Like I said, I remember everything -- whatever came to my
9 memory is what I mentioned when I mentioned it.

02:33 10 Q. Did the prosecutor show you your grand jury transcript
11 before you testified?

12 A. No.

13 Q. Did he show you any FBI report that reflected interviews
14 with you?

15 A. Maybe a certain line here and there but not the whole of
16 it. I don't remember.

17 Q. Did you ever see a line in the 2009 FBI interview or the
18 2009 grand jury presentation that had anything to do with
19 domestic terrorism? Did they show you that line?

02:34 20 A. I'm sorry. What?

21 Q. They didn't show you that line, did they?

22 A. A line saying what I said --

23 Q. Yes.

24 A. -- in the grand jury about terrorism in the U.S.?

25 Q. Right.

1 A. I don't remember seeing that from them, no.

2 Q. Now, the first time you said that was just recently,
3 wasn't it?

4 A. I'm not sure what I said in 2009.

5 Q. All right.

6 A. Whatever I said is what I remembered then.

7 Q. When you talked about this and Abousamra was saying that
8 people should do something in the United States --

9 A. Uh-huh.

02:35 10 Q. -- you can't remember any comment by Tarek agreeing with
11 that, can you?

12 A. I can't. I can't really remember a particular comment.

13 Q. In fact, the government asked you, didn't they, whether
14 Tarek stood up to Abousamra and tell him he shouldn't say this;
15 remember the government asking you that?

16 A. I don't remember that, no.

17 Q. Okay.

18 MR. CARNEY: November 10th 302. The November 10th
19 302, for the judge only.

02:36 20 Q. I'm pointing to this document, and I'd ask you to read
21 this document to yourself, please.

22 A. (Reading). Yeah.

23 Q. Does this refresh your memory about a conversation you had
24 with the prosecutors and the FBI on November 10, 2011?

25 A. Right.

1 Q. That was last week?

2 A. Yes.

3 Q. This was the first time you ever mentioned anything about
4 attacking buildings or people in the United States, right, to
5 them?

6 A. I guess so. I'm not sure.

7 Q. You mentioned that Abousamra was the one who thought that
8 this was a good idea, correct?

9 A. That's correct, yeah.

02:38 10 Q. And they asked you if Tarek stood up to Abousamra and told
11 him he should not do the above actions, right?

12 A. Right.

13 Q. And you said you didn't remember Tarek standing up to
14 Abousamra, right?

15 A. I did say that, yeah.

16 Q. Did you stand up to Abousamra?

17 A. No.

18 Q. Did you --

19 A. I do remember saying that I don't think it was a good
02:38 20 idea, but -- yeah, I didn't think that would work. But I don't
21 remember taking a stand against him, no.

22 Q. Now, after that meeting, you and Tarek spoke privately,
23 didn't you?

24 A. Yes, we did.

25 Q. And Tarek told you that he felt that Abousamra was too

1 extreme, was very extreme, right?

2 A. Yes.

3 Q. And possibly outside the scope of Islam?

4 A. We did have that discussion, yes.

5 Q. Now, by "the scope of Islam," that's referring to the fact
6 that Islam might permit some things but forbid other things,
7 right?

8 A. True.

9 Q. And what Tarek was conveying to you and what you
02:39 10 understood it to be is, what Abousamra was proposing was not
11 something that was permitted under Islamic law, right?

12 A. That's correct, yeah.

13 Q. And that Abousamra was too extreme about his beliefs,
14 right?

15 A. Yes.

16 Q. And you agreed with him on that, right?

17 A. I did.

18 Q. You also felt that Abousamra was too extreme in his
19 beliefs, right?

02:39 20 A. I did, yeah.

21 Q. And you also felt that he was going outside what was
22 permitted by Islam, right?

23 A. Yes, I did.

24 Q. For Tarek Mehanna, it was always about what Islam
25 permitted, what Islam required, or what Islam forbid in these

1 conversations? Isn't that a fair way of characterizing them?

2 MR. AUERHAHN: Objection.

3 THE COURT: Overruled. He may have it.

4 MR. CARNEY: May I repeat the question, your Honor,
5 please?

6 THE COURT: Go ahead.

7 Q. Is it fair to say that in these discussions, for Tarek, it
8 was all about what Islam required or Islam permitted or Islam
9 forbid, right?

02:40 10 A. Yes.

11 Q. Now, you've told us about the trip taken by Abousamra and
12 Tarek to Yemen, right?

13 A. Yes.

14 Q. Now, when you were asked about this in 2009, you were
15 asked to tell the grand jurors everything you remembered about
16 anything to do with going to Yemen that you heard from either
17 Abousamra or anyone else prior to the trip; do you remember
18 that?

19 A. Yes, I do.

02:41 20 Q. And you said at that point, in 2009, that there were two
21 things you remembered before they left. You said, first, that
22 you remembered that Abousamra used to listen to a scholar who
23 was based in Yemen who would often preach about someone in
24 Egypt; do you remember that?

25 A. Yes.

1 Q. And you said that Abousamra spoke about this guy's
2 religious views, isn't that true?

3 A. That's true.

4 Q. And Abousamra would listen to the speeches of this person,
5 right?

6 A. Right.

7 Q. You told about how Abousamra mentioned the book the person
8 had written about the Egyptian, right?

9 A. Abousamra what?

02:42 10 Q. They asked you -- rather, you told them, the grand jurors,
11 that Abousamra often spoke about a book that had been written
12 by this scholar?

13 A. Yes, yes.

14 Q. They asked you what was the name of the book?

15 A. Yes.

16 Q. Do you remember the name of the book?

17 A. I do.

18 Q. What is it?

19 A. Actually, I don't know if I exactly remember it. It's --
02:42 20 actually, here it is. Yusuf al-Qaradawi, "Al Kalb Al-Awi."

21 Q. That's the name of the book?

22 A. That's the name of the book as I remember it right now.

23 Q. That was the first thing you remembered about Abousamra
24 talking about Yemen, correct, when you testified before the
25 grand jury?

1 A. I guess, yeah.

2 Q. And the second thing was that you had heard from someone
3 about a person who was going to help them get into Yemen,
4 correct?

5 A. Right.

6 Q. And that someone was Abousamra, wasn't it?

7 A. That someone was Abousamra? That was not my
8 understanding.

9 Q. By that I mean the person who told you this was Abousamra.

02:43 10 A. Yes.

11 Q. So he told you that he had met a person who was going to
12 help them get into Yemen because Yemen is so difficult for
13 foreigners to get into, correct?

14 A. I don't know if he ever met with him. Maybe he did.
15 Yeah, he was in contact with him and that guy, whoever it was,
16 was going to help them.

17 Q. So in response to the questions of the prosecutors, before
18 the grand jury, you said that the only talk by anyone that you
19 had heard about going to Yemen was Abousamra in these two
02:44 20 respects, isn't that right?

21 A. If that's what I said, yes.

22 Q. Well, let's find out.

23 MR. CARNEY: For the Court and counsel, please, the
24 transcript of the grand jury. Begin on 34.

25 Q. Would you please read this to yourself, beginning where

1 I'm pointing, midway down on Page 34 and just continue reading.
2 And let me know when you're down to the bottom of the page,
3 please.

4 A. (Reading). Okay.

5 Q. Could you read from the beginning to the end.

6 A. (Reading).

7 MR. CARNEY: Also the 302 from 10/14.

8 Q. Have you completed that?

9 A. Yes.

02:46 10 Q. While I'm here, could you read the first paragraph. See
11 the document I'm pointing to?

12 A. Uh-huh.

13 Q. Would you read the first paragraph to yourself, please.

14 A. (Reading).

15 Q. Are you done?

16 A. Yup.

17 Q. Okay. So before the grand jury, on November 5 of 2009,
18 the prosecutor asked you to tell them everything you remembered
19 about what had happened, what you knew about the Yemen trip?

02:47 20 A. Right.

21 Q. And you said that, No. 1, Abousamra was always talking
22 about a scholar that he knew in Yemen, right?

23 A. Yes.

24 Q. And you talked about the person's book and his religious
25 views and that he had listened to a lot of recorded speeches?

1 A. Right.

2 Q. And, secondly, you had heard from Abousamra that he had
3 contacted a person who was going to help them get back into --
4 or get into Yemen, right?

5 A. That's correct, yeah.

6 Q. And that person that told you that was Abousamra, right?

7 A. Yes, as far as I can remember, yes.

8 Q. So in 2009 when you were asked about what you knew before
9 the Yemen trip and you were testifying under oath before the
02:48 10 grand jury, what you told them was about Abousamra, right?

11 A. Yes.

12 Q. Because that had been the source of information to you,
13 correct?

14 A. Yes.

15 Q. You didn't mention, in 2009 when you were interviewed by
16 the prosecutors and the FBI, that Tarek had said to you that he
17 was planning to go to Yemen for military training? You never
18 said that, right?

19 A. Who never said that?

02:48 20 Q. Yeah, in 2009.

21 A. Who never said that?

22 Q. You did. You never said that to them? You never told the
23 prosecutors or the FBI in 2009 that Tarek Mehanna had told you
24 he was going to Yemen for military training?

25 A. I think I might have -- I think I might have actually

1 mentioned that.

2 Q. You think you mentioned it in 2009?

3 A. I don't know if I mentioned in the grand jury, but I do
4 remember mentioning it at some point.

5 Q. But in the grand jury, that happened about a week after
6 you met with them, right?

7 A. I think so, yeah.

8 Q. You met with the FBI and the prosecutors on October 28,
9 2009?

02:49 10 A. Right.

11 Q. And then you were before the grand jury on November 5 of
12 2009?

13 A. Right.

14 Q. So you had just had this extensive debriefing, correct?

15 A. Yes.

16 Q. And so, then, when you go before the grand jury and they
17 ask you about this, about what you knew from before the trip,
18 you said you knew two things, and both of them had come from
19 Abousamra, right?

02:49 20 A. Right.

21 Q. And they're the two things I just showed you in your
22 transcript, right?

23 A. Right.

24 Q. Now, today, for the first time, you said that Tarek said
25 that he had an obligation to go? He never said that back then,

1 did he, before the Yemen trip?

2 A. I can't remember a particular moment where he didn't say
3 that or he did say that.

4 Q. The very first time you ever mentioned or claimed that
5 Tarek said this was in a meeting you had with the prosecutors a
6 month ago, isn't that true? Isn't that the first time --

7 A. I can't remember. When I say what -- I might have said
8 it. I don't know. I guess that's the first time I said it.

9 If that's what the records show, then that's the first time I
02:51 10 said it.

11 Q. At each of these meetings, was someone taking notes?

12 A. I'm sure there were, yeah.

13 Q. Did you see the FBI agents with pen and paper and taking
14 notes?

15 A. Yes.

16 Q. And would you expect that they would prepare a report
17 afterwards?

18 A. I'm sure they would, yes.

19 Q. Would you expect that report to be accurate?

02:51 20 A. Yes.

21 Q. And if that report from 2009 does not contain anything
22 like this, would you think that is accurate?

23 MR. AUERHAHN: Objection.

24 MR. CARNEY: Withdrawn.

25 THE COURT: Sustained.

1 Q. And even last month when you were asked about this, you
2 said that you had talked to Tarek beforehand about training
3 camps, but you couldn't recall any details whatsoever of the
4 conversation, right?

5 A. No.

6 Q. Did you say that to them?

7 A. I do remember saying that.

8 Q. Now, on one occasion -- strike that.

9 So it's fair to say that prior to Abousamra and Kareem and
02:52 10 Tarek leaving to go to Yemen --

11 A. Uh-huh.

12 Q. -- Tarek never discussed with you personally what his
13 purpose was for going, right?

14 A. At this moment, I can't remember one instance that that
15 happened. I don't remember.

16 Q. Did it help you try to remember things when you met with
17 the FBI and the prosecutors?

18 A. Certain things I remembered. Certain --

19 Q. Did they suggest things to you when they asked you
02:52 20 questions?

21 A. In terms of?

22 Q. Whether you remembered X or whether you remembered Y or
23 whether this happened and then you were able to remember when
24 they prompted you; is that fair to say?

25 A. Yes.

1 Q. Prompted you by their questions and what they were asking?

2 A. Right.

3 Q. Now, you said on direct examination by the prosecutor this
4 morning that there was one occasion when you were at a social
5 gathering at someone's house with Abousamra, Kareem and Tarek,
6 right?

7 A. Uh-huh.

8 Q. You'll have to say yes for our --

9 A. Yes, yes.

02:53 10 Q. And you walked into the meeting that they were having in
11 the kitchen, just sitting around a table or --

12 A. I didn't think of it as a meeting. They were just there,
13 and they were sort of lounging around there. So I walked up on
14 them. The only reason I say I walked up on them is because
15 they sort of quieted down.

16 Q. When they were there, one of the persons said, Can you
17 keep a secret?

18 A. Yes.

19 Q. And you said you could. But then you just left the room,
02:53 20 right?

21 A. I don't remember if I left the room right away or not. I
22 think I had a longer discussion there, but I might have just
23 left the room. I don't remember.

24 Q. Do you have any specific memory of the conversation after
25 that?

1 A. I mean, I remember that we did have that conversation
2 where I was asked if I could keep a secret, and I did say yes,
3 I could. I do remember asking them, you know, what -- like,
4 what are you guys up to? What are you guys doing?

5 Q. It never went any further than that, did it?

6 A. I'm trying to remember if it did go any further than that.
7 I can't remember right now. Maybe it did. I don't know if I
8 found out then -- I'm sorry?

9 Q. Would you be guessing?

02:54 10 A. I'm saying that as a matter of speech. I'm saying I'm not
11 sure if it was at that point I found out that there was a
12 person that was helping Ahmed getting into Yemen or it was at
13 some other point, but I would -- I think it was at that time.
14 It was at that moment, yeah.

15 Q. Isn't it true that Abousamra told you that privately, not
16 in the presence of other people?

17 A. I think he mentioned that more than once.

18 Q. But the first time he mentioned it to you, it was a
19 private conversation, wasn't it?

02:55 20 A. Maybe, yes.

21 Q. Now, you were asked to give the three men a ride to the
22 airport; you told us about that, right?

23 A. Yes.

24 Q. And you were told that the intention was to go to a school
25 in Yemen, right?

1 A. That was the -- yes, that's true.

2 Q. And when you left Tarek's house after -- or when you got
3 to Tarek's house, his brother was there, correct?

4 A. Yes.

5 Q. And his parents were not there?

6 A. No, his parents weren't there.

7 Q. And you were asked to keep it a secret that they were
8 going to Yemen and not tell their parents?

9 A. Yes.

02:56 10 Q. The parents of all three men?

11 A. Yes.

12 Q. Because they thought they would go without telling their
13 parents?

14 A. Yes.

15 Q. Did you know that Tarek's parents were in Egypt?

16 A. I can't remember. I thought his parents were at Hajj or
17 -- I'm not sure. His parents weren't there.

18 Q. What is Hajj?

19 A. A pilgrimage.

02:56 20 Q. To where?

21 A. To Mecca.

22 Q. Where is that located?

23 A. In Saudi.

24 Q. Saudi Arabia?

25 A. Saudi Arabia, yeah.

1 Q. People of the Muslim faith go on this pilgrimage?

2 A. Right.

3 Q. It's very common for them to do it?

4 A. Once a year.

5 Q. They're usually gone ten days to two weeks for the Hajj?

6 A. Yes.

7 Q. If not longer?

8 A. Yes.

9 Q. And this was the time period that Tarek was gone, right?

02:56 10 A. I think so, yes.

11 Q. Now, in -- Tarek returned from Yemen, right?

12 A. Uh-huh.

13 Q. He told you that they had gone to a school in Yemen,
14 right?

15 A. That's true.

16 Q. And they told you that -- he told you that they met with
17 people there, right?

18 A. Yes.

19 Q. Tarek mentioned that he spoke to scholars who were at the
02:57 20 school, right?

21 A. I think so, yeah, students of knowledge, yes.

22 Q. Attended classes, went around what passed for a campus,
23 right?

24 A. Yes.

25 Q. And said that he had gone to Yemen in order to look at

1 schools, right?

2 A. I'm sorry?

3 Q. He had gone to Yemen, he told you, in order to look at
4 schools that he would study at in the future?

5 A. Yes, he did say that.

6 Q. And he said that was the reason why he went to Yemen,
7 correct?

8 A. He did say that, yes, if I remember correctly. I can't
9 remember, but yes.

02:58 10 Q. You never heard Abousamra say that he went to Yemen in
11 order to look at schools for future study of Islamic law or
12 Arabic, did you?

13 A. No, he didn't say that, no.

14 Q. You never heard Kareem Abuzahra say he had any interest in
15 going to Yemen that he could look at schools where he would
16 return to later and study?

17 A. He did not say that. No, I don't remember him saying
18 that.

19 Q. The only one who said that to you was Tarek?

02:58 20 A. Yes, he -- Tarek did say that.

21 Q. Now, you continued to be friendly with Tarek through 2007,
22 didn't you?

23 A. I did, yes.

24 Q. And the government asked you about a telephone call that
25 you had once with Tarek about the fact that the FBI were

1 interviewing people; do you recall that?

2 A. Yes, yes.

3 Q. Now, this telephone call occurred in 2007 between you and
4 Tarek, right?

5 A. I don't remember the date, but maybe, yes.

6 Q. Do you know how the prosecutors know about this phone
7 call?

8 A. I mean -- I mean -- I'm under the assumption they must
9 have wiretapped me or him or one of us or both of us.

02:59 10 Q. Have you read the transcript of the conversation between
11 you and Tarek?

12 A. No.

13 Q. Did they ever show you the transcript of the conversation
14 that you had on the phone with Tarek?

15 A. No. I don't remember seeing it.

16 Q. Now, during that conversation, you were asking Tarek about
17 what the FBI had asked him about, correct?

18 A. Yes.

19 Q. Do you remember the exact language that you used and Tarek
03:00 20 used during that phone conversation?

21 A. Absolutely not.

22 MR. CARNEY: May I approach, your Honor, please?

23 THE COURT: You may.

24 Q. Mr. Masood, would you please take a look at this document.
25 I would direct you to this part.

1 A. Yes.

2 Q. And do you see this?

3 A. Uh-huh.

4 Q. And I'd ask you to read the first few lines on the first
5 page to yourself, please.

6 A. (Reading.)

7 Q. All set? Excuse me.

8 A. Okay.

9 Q. This appears to be the transcript of that conversation,
03:02 10 isn't it?

11 A. I guess so.

12 Q. All right. I'd direct your attention, please, to Page 4,
13 and read this to yourself.

14 A. (Reading.)

15 Q. Okay?

16 A. Uh-huh.

17 Q. And over to the top of Page 5.

18 A. (Reading.)

19 Q. Down to about halfway.

03:04 20 All set?

21 A. Yup.

22 Q. Mr. Masood, does that refresh your memory of the
23 conversation you had on the telephone with Tarek on June 15,
24 2007?

25 A. Yes.

1 Q. You recognize this as you and he talking --

2 A. Yes.

3 Q. -- on the telephone?

4 A. Yeah.

5 Q. During that conversation, you were interested in knowing
6 what the FBI talked to Tarek about, right?

7 A. Yes.

8 Q. You said, "Dude." That's your word, right?

9 A. I don't know what line you're reading, but I guess, yeah.

03:06 10 Q. "Dude, when the FBI came and visited you, what did he ask
11 you?" And Tarek went on to say, "He asked me about two
12 things," is that correct?

13 A. Yes.

14 Q. And the first thing he told you, No. 1, "He asked about
15 the trip when I went to go look for schools to study in Yemen,"
16 right?

17 A. Right.

18 Q. Now, when -- and you said in response, "Okay," right?

19 A. Right.

03:06 20 Q. You didn't say anything to Tarek like, wait a minute.

21 That's not the reason you told me you went to Yemen. You
22 didn't interrupt him or challenge him or contradict him, did
23 you?

24 A. No, I didn't.

25 Q. And after Tarek told you that the first thing they asked

1 about was when he went to Yemen to look at schools where he
2 intended in the future to study, the second thing they asked
3 about was Dan Maldonado, is that correct?

4 A. That's correct.

5 Q. And you were interested in knowing what they had asked
6 about, correct?

7 A. Yes.

8 Q. Now, at that time, you had no idea that that phone call
9 was being recorded by the FBI, did you?

03:07 10 A. No idea.

11 Q. And there was no indication to you that Tarek had any idea
12 that the phone call was being recorded by the FBI, right?

13 A. No.

14 Q. Just two friends talking on the phone, right?

15 A. That's true.

16 Q. Mr. Masood, you mentioned, when asked by the prosecutor,
17 that you have some Immigration issues?

18 A. That's correct, yes.

19 Q. You are not a United States citizen, are you?

03:08 20 A. No, I'm not.

21 Q. Nor are you a permanent resident of the United States?

22 A. I am not.

23 Q. Right now, your status is that you are an alien subject to
24 deportation, correct?

25 A. Correct.

1 Q. Now, you told us that you came to the United States in the
2 late 1980s when you were about six years old?

3 A. That's correct.

4 Q. And that you've never been back to Pakistan?

5 A. No.

6 Q. In the year 2003, at the age of 21, you did apply for
7 permanent residence in the United States, didn't you?

8 A. Well, my dad did.

9 Q. On behalf of you?

03:08 10 A. Yes.

11 Q. And in 2006, that request was denied by the federal
12 government?

13 A. That's true, yes.

14 Q. And you were notified by the federal government that they
15 would not grant you permanent residency in the United States?

16 A. That's true, yeah.

17 Q. And, in fact, you later received notice from the
18 Department of Homeland Security that it was going to begin
19 proceedings to actually force you to leave the United States,
03:09 20 right?

21 A. That's true.

22 Q. Those are called removal proceedings, aren't they?

23 A. Yes, yes.

24 Q. In May of 2007, an attorney on your behalf filed another
25 petition, this time in the Boston Immigration Court, correct?

1 A. Correct, yeah.

2 Q. And in it, the attorney, on your behalf, was saying that
3 you were seeking asylum in the United States, correct?

4 A. That's true, yes.

5 Q. That's also known as political asylum in the United
6 States, right?

7 A. That's correct, yes.

8 Q. And on that official legal document, you signed it, did
9 you not?

03:10 10 A. Yes.

11 Q. And you signed it below a notation that indicated that you
12 had read everything in the packet, right?

13 A. Uh-huh.

14 Q. You'll have to say yes or no, please.

15 A. Yes.

16 Q. And that everything in the packet was true, correct?

17 A. That's correct.

18 Q. And you were saying this -- that your signature was
19 signifying this under the pains and penalties of perjury,
03:10 20 correct?

21 A. That's correct.

22 Q. It included an affidavit by your father that stated that
23 he had left the United States from 1991 to 1993, isn't that
24 right?

25 A. Yes, that's true.

1 Q. And that was a critical fact for this Immigration
2 proceeding, correct?

3 A. Correct.

4 Q. But that was a critical fact that you know today is
5 untrue?

6 A. That's correct, yes.

7 Q. In 2007, your father was arrested and charged with
8 Immigration fraud, wasn't he?

9 A. That's correct.

03:11 10 Q. Did you ever come to court with him?

11 A. I don't think I sat in court with him, but I did come to
12 court.

13 Q. You didn't sit in the courtroom with him where he was
14 sitting, but you came to the court proceeding to be supportive?

15 A. Yes.

16 Q. And he ultimately pleaded guilty to Immigration fraud and
17 making false statements, didn't he?

18 A. Yes, he did.

19 Q. And the prosecutors of your father were Al Chakravarty and
03:11 20 Jeffrey Auerhahn, the two prosecutors in this case, isn't that
21 right?

22 A. That's correct.

23 Q. Now, your father had been informed by the judge that he
24 was going to be given probation and that he would be expected
25 to leave the United States shortly thereafter, right?

1 A. That's correct.

2 Q. And then you learned that on the day that the sentencing
3 was to occur, that after he was placed on probation, he was
4 going to be arrested outside the courtroom and placed in
5 custody; do you recall that?

6 A. I think that was -- I think we were afraid of that, yes.

7 Q. Then you found out that's exactly what was going to
8 happen, right?

9 A. I don't remember the details, but I guess, yeah.

03:12 10 Q. Well, do you remember the judge, not Judge O'Toole but
11 another judge of this court, postponed sentencing so that
12 arrangements could be made for your father to be able to leave
13 the country?

14 MR. AUERHAHN: Objection, your Honor. A little bit
15 beyond relevance.

16 THE COURT: Well, go ahead. You can have it.

17 Q. Wasn't that done, that the sentencing was moved so that on
18 the day your father was sentenced he would be placed on
19 probation, and the next day he could voluntarily leave the
03:13 20 country?

21 A. I think that's true, yes.

22 Q. There was no question that he was deported from the United
23 States, kicked out of the United States?

24 A. Yes, that's true.

25 Q. And you saw firsthand what power the federal government

1 has over an alien in this country, right?

2 A. Yes.

3 Q. An immigrant in this country?

4 A. Right.

5 Q. Because you saw that that was done to your father,
6 correct?

7 A. Right.

8 Q. It also was done to your uncle in the United States, a
9 different uncle than the one in Pakistan? Wasn't he deported,
03:13 10 also?

11 A. No.

12 Q. Is he in Imam?

13 A. He was in Imam.

14 Q. Is he now back in Pakistan?

15 A. Yes.

16 Q. He wasn't prosecuted criminally?

17 A. No.

18 Q. But he left the country after being deported?

19 A. I don't think he was deported, but he did leave the
03:14 20 country.

21 Q. Were you arrested at the same time?

22 A. Yes.

23 Q. For Immigration violations?

24 A. Yes.

25 Q. Were you held in custody for any period of time?

1 A. I was.

2 Q. How long? Would you tell us how long you were in custody?

3 A. I think it was, like, six or seven days.

4 Q. After being locked up for six or seven days, you were then
5 released on conditions set by the court, right?

6 A. Yes.

7 Q. Now, when your attorney filed a petition asking that you
8 get political asylum, the basis was your affidavit where you
9 said that if you returned to Pakistan you thought you would be
03:14 10 persecuted, correct?

11 A. That's correct.

12 Q. You didn't use the term "prosecuted"; you used the term
13 "persecuted" when you went back to Pakistan, right?

14 A. I guess that's the term I used.

15 Q. You said that you feared that Muslim extremists might try
16 to hurt or kill you, right?

17 A. Yes.

18 Q. A hearing was held in the Immigration Court here in
19 Boston, right?

03:15 20 A. Uh-huh.

21 Q. Yes?

22 A. Yes, yes.

23 Q. That hearing is conducted before a federal judge, right?

24 A. Right.

25 Q. The hearing was on September 23, 2009, right?

1 A. Right.

2 Q. And you, again, told the judge, this time orally, that you
3 felt, if you were going to be returned to Pakistan, that your
4 life would be in danger by Muslim extremists, right?

5 A. That's correct.

6 Q. And when you were giving this testimony, you were under
7 oath, weren't you?

8 A. I was.

9 Q. You had sworn to tell the truth?

03:15 10 A. I had.

11 Q. The same type of oath that you took this morning --

12 A. Yes.

13 Q. -- right?

14 You also told the judge that another reason why you were
15 afraid of going to Pakistan is because you now had Western
16 values, American values, that wouldn't be viewed the same in
17 Pakistan, right?

18 A. That's correct.

19 Q. In fact, would you -- tell me if this is exactly the
03:16 20 language you told that judge: Quote --

21 MR. AUERHAHN: Objection.

22 THE COURT: Let me see you briefly.

23 (SIDEBAR CONFERENCE AS FOLLOWS:

24 MR. AUERHAHN: He asked the question. He got an
25 answer. I don't see any basis for him to start reading the

1 transcript of the hearing.

2 MR. CARNEY: Well, I want to ask him on
3 cross-examination whether he said particular words to the
4 judge.

5 THE COURT: What are they? What's the significance?

6 MR. CARNEY: He's trying to persuade the judge why he
7 wants to stay in the United States, why it's so important to
8 him. This is a critical fact to my cross-examination because
9 it's my theory that the major motivation he has for testifying
03:17 10 in the manner that he has regarding the defendant is he is
11 desperate to avoid deportation and here he is saying --

12 THE COURT: What are the special words?

13 MR. CARNEY: "In all my time, I've learned to
14 appreciate the freedoms and freedom of right, like freedom of
15 speech and freedom to express yourself and live the life the
16 way you'd like to live, in a peaceful manner."

17 THE COURT: Okay. You can have it.

18 MR. CARNEY: Thank you.

19 . . . END OF SIDEBAR CONFERENCE.)

03:18 20 MR. CARNEY: May I have the question?

21 THE COURT: Yes.

22 MR. CARNEY: Thank you.

23 Q. So these were the words -- please tell me if these were
24 the exact words you said about the second reason why you wanted
25 to stay in the United States. "In all my time, I've learned to

1 appreciate the freedoms and the freedom of right, like freedom
2 of speech and freedom to express yourself and live the life the
3 way you'd like to live it, in a peaceful manner." Did you say
4 those words to the judge?

5 A. I might have -- yes, I think so.

6 Q. Sounds pretty close to what you said, isn't it?

7 A. Yes.

8 Q. Now, after you were questioned by your attorney, the
9 attorney representing the federal government asked you

03:19 10 questions on cross-examination; do you recall that?

11 A. Yes.

12 Q. He asked you if you had had any contact with any
13 organization that you believe may have been engaged in or
14 active in terror activity, and you said no; do you remember
15 that?

16 A. Yes.

17 Q. Then he asked you -- and this was brought out a tiny bit
18 by the prosecutor -- whether you've had any contact with anyone
19 who espouses or supports Jihad, right?

03:19 20 A. Right.

21 Q. You certainly knew Ahmed Abousamra supported Jihad, right?

22 A. Yes.

23 Q. You replied that you didn't understand the question, isn't
24 that so?

25 A. Yes.

1 Q. Do you have -- you have a memory of this, don't you?

2 A. I do.

3 Q. And then the lawyer for the federal government asked you
4 if you understood what Jihad means, correct?

5 A. Correct.

6 Q. And you said, "It means different things to different
7 people. To me, it means a struggle to be a better person, to
8 live in peace and live in freedom," right?

9 A. Right.

03:20 10 Q. And then the federal attorney asked you, "Well, what about
11 the kind of Jihad that means using violence to compel others to
12 accept your thoughts?" And you said, "Well, I'm sure some
13 people believe that but I don't," right?

14 A. Right.

15 Q. And then he said, "I'm not asking you that, sir. I'm
16 asking you if you have had any contact with anyone who holds
17 that belief." And do you remember what your answer was?

18 A. I said no.

19 Q. "Not to my knowledge, sir."

03:21 20 A. Oh, yeah.

21 Q. Those were the exact words you said.

22 Now, we've gone over that you knew what Abousamra
23 believed, right?

24 A. Right.

25 Q. You knew that he'd actually gone to Pakistan to get

1 training and gone to Iraq to fight?

2 A. Yes.

3 Q. So that when you testified at your hearing in September of
4 2009 that you didn't know anyone, that wasn't true, was it?

5 A. It was not.

6 Q. It was a lie, wasn't it?

7 A. It was.

8 Q. You want desperately to remain in the United States and
9 not be deported, isn't that true?

03:22 10 A. That is true.

11 Q. The last thing you want to have happen is that you
12 forcibly be sent back to Pakistan, a country that you know
13 virtually nothing about since you left when you were so young?

14 A. That's true.

15 Q. You don't know where you're going to live, right?

16 A. Right.

17 Q. You don't know what kind of work you'll do there? And you
18 also believe that your very life would be threatened if you
19 went back to Pakistan, right?

03:22 20 A. Yes.

21 Q. Well, that's what you told under oath to that judge,
22 wasn't it?

23 A. I did.

24 Q. Now, at that hearing, you were asking the judge to order
25 that the federal government be prevented from sending you back

1 to Pakistan, right?

2 A. Correct, yes.

3 Q. You wanted that judge to give you the benefit of
4 preventing the federal government from deporting you, right?

5 A. Yes.

6 Q. And in order to get that benefit, in order to achieve that
7 goal, you were willing to lie under oath to a federal judge,
8 right?

9 A. Yes.

03:23 10 Q. Ultimately, the judge denied your petition, didn't she?

11 A. Yes.

12 Q. And you've taken an appeal of that decision, right?

13 A. Yes.

14 Q. And the federal government has filed a brief in the court
15 opposing your appeal, right?

16 A. I think so.

17 Q. You know your lawyer filed a brief in support of the
18 appeal, right?

19 A. Okay, yeah.

03:23 20 Q. Is your lawyer Attorney Joyce?

21 A. Yes.

22 Q. He's been acting on your behalf throughout these
23 proceedings?

24 A. That's correct, yes.

25 Q. And he has filed that brief in support of your appeal, and

1 the federal prosecutor or federal government has opposed it?

2 A. Right.

3 Q. Less than one month after that Immigration hearing in
4 September of 2009, less than a month later, you met with the
5 criminal prosecutors in this case, right?

6 A. Yes.

7 Q. You met with Mr. Chakravarty and Mr. Auerhahn, right?

8 A. Right.

9 Q. You met with FBI agents, right?

03:24 10 A. Yes.

11 Q. Now, they spoke to you about you becoming a witness,
12 right?

13 A. Not in those terms. They wanted to ask me questions about
14 what I knew.

15 Q. And you were accompanied by an attorney, right?

16 A. Yes, I was.

17 Q. And that attorney had obtained -- or shown you, rather, an
18 order that would protect you from prosecution if you said
19 anything?

03:25 20 A. That's correct.

21 Q. And these prosecutors were interested in what you knew
22 about Tarek Mehanna, right?

23 A. That's correct, yes.

24 Q. And you told them things in 2009, correct?

25 A. That's correct.

1 Q. And you've told them other things, different things, in
2 2011?

3 A. That's correct.

4 Q. You know that these prosecutors work for the federal
5 government, don't you?

6 A. Yes.

7 Q. You know that they were the prosecutors of your father
8 that led to his ultimate removal from the United States?

9 A. That's correct.

03:25 10 Q. They want you to help them, right?

11 A. I never -- I mean, I don't think --

12 Q. I'll withdraw that question.

13 MR. AUERHAHN: Your Honor, I think he answered the
14 question.

15 THE COURT: Well, the question is withdrawn. Put
16 another question.

17 Q. You are being called as a witness by these prosecutors,
18 right?

19 A. Right.

03:26 20 Q. You want your testimony to be helpful to them, don't you?

21 A. The only thing they've ever been --

22 Q. Could you answer that question, please?

23 MR. AUERHAHN: Your Honor, objection, please. He
24 should be allowed to answer the question.

25 THE COURT: Yeah.

1 MR. CARNEY: It's nonresponsive. I've just asked him
2 a direct yes or no question.

3 THE COURT: It was too early in the question to tell
4 whether it was responsive. Go ahead.

5 Q. You want your testimony to be helpful to them, right?

6 A. My testimony is only what I know to be true when I say
7 whatever it is that I say.

8 Q. And you want them to be grateful to you, don't you?

9 A. Why would I want that?

03:26 10 Q. Did you mention -- did they ask you about your immigration
11 status?

12 A. They did.

13 Q. So they know what your situation is, right?

14 A. I'm sure they do.

15 Q. If you lose this appeal, they may be your only chance to
16 stay in the United States; isn't that what you believe?

17 A. I do not believe that.

18 Q. You don't think that these attorneys or the federal
19 government could help you in your immigration?

03:27 20 A. My dad was a good man. They didn't -- he was deported by
21 them. Why would they help me?

22 Q. Did your dad testify against anybody in a hearing?

23 A. No.

24 MR. CARNEY: I have no further questions.

25 MR. AUERHAHN: Thank you, your Honor.

1 MR. CARNEY: That's all I have, your Honor.

2 THE COURT: All right.

3 REDIRECT EXAMINATION BY MR. AUERHAHN:

4 Q. First, sir, let's touch upon this moment. Have any
5 promises been made to you in connection with your Immigration
6 proceedings?

7 A. No.

8 Q. Other than your obligation to tell the truth, has anyone
9 asked you or suggested to you what to say?

03:28 10 A. No.

11 Q. When you appeared before the grand jury, that was pursuant
12 to a subpoena?

13 A. Yes, it was.

14 Q. And what do you understand a subpoena to be?

15 A. It's an order to present myself in court and -- or in
16 front of the grand jury.

17 Q. And there was also an order from a district court judge
18 directing that you -- forcing you to answer questions?

19 A. District court judge, yes.

03:28 20 Q. In other words, an order similar to the one we introduced
21 here, ordering you to answer questions?

22 A. That's correct, yes.

23 Q. With reference to the truthfulness or falsity of your
24 testimony, can you be prosecuted for perjury if you lie here
25 today?

1 A. Yes.

2 Q. Now, when you testified before the Immigration
3 proceedings, you said you didn't know anyone who supported
4 Jihad, correct?

5 A. Yes, I did say that.

6 Q. And you've testified on both direct and cross that that
7 was not true?

8 A. Yes, that's -- yes.

9 Q. And besides Mr. Abousamra, who else did you know supported
03:29 10 Jihad?

11 A. To my knowledge, to my understanding, Jihad was something
12 that I supported. Jihad was something that I know Kareem
13 Abuzahra supported. There was a lot of people that I knew that
14 supported Jihad.

15 Q. How about Mr. Mehanna?

16 A. I believed that he did, too.

17 Q. Now, you were asked a lot of questions on direct about
18 when you said certain things. As you talked about these events
19 from five and ten years ago, did you sometimes remember more
03:29 20 facts, more details?

21 A. About certain things, yes.

22 Q. And sometimes you'd forget certain facts and certain
23 details?

24 A. Yes, yes.

25 Q. Now, Mr. Carney asked you about seeing Osama bin Laden as

1 a hero who defeated the Russians. Do you remember when that
2 was?

3 A. When what was?

4 Q. When the Soviets were pushed out of Afghanistan.

5 A. Somewhere in the '80s, late '80s.

6 Q. You testified that prior to 9/11, there wasn't this
7 political component to your --

8 MR. CARNEY: I object. It's still redirect.

9 THE COURT: Well, I think he can focus on a particular
03:30 10 piece of testimony. Go ahead.

11 MR. AUERHAHN: That's what I'm trying to do, your
12 Honor. Thank you.

13 Q. You testified that there wasn't this political component
14 to the -- to your discussions pre-9/11, correct?

15 A. Yes.

16 Q. So would the change from religion to politics have
17 anything to do with the Afghan -- the Soviets in Afghanistan or
18 was it 9/11?

19 A. It was 9/11.

03:31 20 Q. Now, you were asked certain questions about both your view
21 on suicide operations as well as Mr. Mehanna's and Mr.
22 Abousamra's. Do you remember those questions?

23 A. Yes, to some degree, yes.

24 Q. And so what did Mr. -- what was Mr. Mehanna's view on the
25 utility of suicide operations as a tactic of warfare?

1 A. I believed that it was -- I believed that he -- his view
2 on that was that that should be used as a last resort.

3 Q. Not that it was totally impermissible but permissible
4 under certain circumstances?

5 A. That was my view of -- that's my understanding of what he
6 believed.

7 Q. And in that regard, Mr. Carney asked you a lot of
8 questions about whether or not it was -- the issue of --
9 particularly in connection with suicide bombing, the killing of
03:32 10 innocents, civilians?

11 A. Right.

12 Q. So -- and, again, on cross-examination, that innocents not
13 involved in the war effort were off limits?

14 A. That's what he said, yes.

15 Q. What about United States soldiers serving in Iraq? What
16 was his view with reference to those individuals?

17 A. He didn't believe that they were innocent civilians.

18 Q. So they were acceptable, appropriate targets?

19 MR. CARNEY: I object.

03:32 20 THE COURT: Rephrase it.

21 Q. Were they acceptable, appropriate targets?

22 A. Yes.

23 Q. And when you talked about going to Afghanistan to fight
24 U.S. soldiers or Iraq to fight U.S. soldiers, what were you
25 contemplating doing to those U.S. soldiers?

1 A. Fighting them and killing them.

2 Q. And Mr. Mehanna agreed with that as an objective?

3 A. Yes.

4 Q. Mr. Carney asked a lot of questions about Mr. Abousamra's
5 -- the power of his personality and persuasive skills and a
6 number of questions about that. Did Mr. Abousamra ever
7 convince you to do anything you didn't want to do?

8 A. He got -- sometimes he did.

9 Q. Like what?

03:33 10 A. I remember one incident where we were in the mosque, and
11 he convinced me to remove -- there were, like, these fliers or
12 pamphlets with -- it was one of the Eid celebrations. They had
13 these prayers written on them, and he didn't believe that those
14 prayers were religiously correct. He thought it was an
15 invasion. So me and him, we hid them all. I didn't
16 particularly like the idea because a lot of the things that we
17 had done in the mosque, in the community, a lot of people were
18 very upset about it. And so I didn't want to do it, but we did
19 it.

03:34 20 Q. Did he convince you to get on a plane and go to Yemen?

21 A. No, he did not. He could not convince me of that.

22 Q. Did he try?

23 A. Yes, he did.

24 Q. Did he try to convince anyone else to get on a plane and
25 go to Yemen?

1 MR. CARNEY: Objection.

2 THE COURT: Within the witness' personal knowledge,
3 you may answer.

4 A. I guess he did convince other people to go, yes. I'm not
5 sure if there was a -- I'm not sure what the interaction was
6 between Kareem Abuzahra, Tarek, and Ahmed about the Yemen trip,
7 whether it was him convincing them or them planning. I don't
8 exactly know how that went, how that was.

9 Q. Were you ever present when he tried to convince anyone to
03:34 10 go on the trip to Yemen?

11 A. Besides me, I can't remember a particular instance where
12 he did.

13 Q. Now, you testified on direct, and Mr. Carney covered this
14 a bit on cross. Did you have a conversation with Mr. Mehanna
15 before the Yemen trip?

16 A. About?

17 Q. About the trip.

18 A. About the trip.

19 Q. Just yes or no first.

03:35 20 A. I want to say yes.

21 Q. Did you articulate a reason why you weren't going?

22 A. Yeah. I told him that, for me, there was, like,
23 Immigration reasons. There was a lot of other reasons why I
24 couldn't go. I had a big family. I had more responsibility at
25 home. And, first of all, it was, like, an Arab-speaking

1 country. I was going to be totally dependent on them. There
2 was a lot of reasons I mentioned in that conversation to him, I
3 think, that -- explaining why I didn't want to go.

4 Q. You said one of the reasons was it's an Arab-speaking
5 country. You don't speak Arabic?

6 A. Right.

7 Q. What's your native tongue in Pakistan?

8 A. Urdu.

9 Q. Did -- during the same conversation, did Mr. Mehanna
03:36 10 explain to you why he was, in fact, going?

11 A. I don't remember. I don't remember exactly the
12 conversation. I don't remember what he said in that
13 conversation. I do remember having a conversation with Tarek
14 explaining why -- I was explaining it to Tarek because he would
15 be more receptive to me -- to understanding why I didn't go. I
16 don't remember exactly what his response was or why he was
17 willing to go except from my general knowledge of just -- you
18 know, just knowing about -- knowing of them and knowing why
19 they were thinking about this, was to go because it was a
03:36 20 religious obligation to go.

21 Q. A religious obligation to go to Yemen?

22 A. Well, to get training and to go to -- and to go fight.

23 Q. So that was your understanding as to why they were going?

24 A. Yes, that was.

25 Q. All three of them?

1 A. All three of them, yes.

2 Q. No question in your mind?

3 A. Not in my mind, no.

4 Q. With reference to this -- as they were traveling around
5 Yemen, did Mr. Mehanna tell you about trying to find certain
6 individuals?

7 A. Yes, he did.

8 Q. Who were the individuals that they were trying to find?

9 A. I don't know who they were, but they were supposed to help
03:37 10 them find either -- either they were the ones who were running
11 the military -- or the training camps, or they were going to
12 help them find somebody who was going to get them to a military
13 training camp.

14 MR. AUERHAHN: May I have one moment, please, your
15 Honor.

16 Nothing further, your Honor. Thank you.

17 MR. CARNEY: Limited to the redirect?

18 THE COURT: Yeah, sure.

19 RE CROSS-EXAMINATION BY MR. CARNEY:

03:38 20 Q. The prosecutor asked you about what Tarek's views were
21 prior to his going to Yemen, right?

22 A. Right.

23 Q. You were asked the same question in front of the grand
24 jury in 2009; do you recall that?

25 A. I'm sure I was.

1 Q. Okay.

2 MR. CARNEY: Grand jury transcript, please, at Page
3 32, please, for the Court, the witness and the parties, please.

4 Q. Would you read this page to yourself from where I'm
5 pointing to orient you, to the bottom and then through the
6 first paragraph. Please read it to yourself, beginning here.

7 A. (Reading.)

8 Q. You testified before the grand jury in 2009?

9 A. Yes.

03:41 10 Q. You were under oath to swear to tell the truth?

11 A. Yes.

12 Q. Were you truthful?

13 A. To my best ability, yes.

14 Q. Were you trying hard to be truthful?

15 A. Yes, I was.

16 Q. And accurate?

17 A. Yes.

18 Q. Now, the prosecutor at some point asked you about what
19 Ahmed Abousamra's beliefs were prior to Abousamra going to
03:42 20 Yemen, right?

21 A. Right.

22 Q. And then the prosecutor asked --

23 MR. AUERHAHN: Objection, your Honor.

24 THE COURT: Well, yeah. Sustained.

25 Q. Did the prosecutor ask you whether you knew how Tarek

1 felt?

2 A. Yes.

3 Q. And did you answer?

4 A. Yes, I did.

5 Q. Would you tell me, by looking at the screen, if I'm
6 reading your answer correctly?

7 MR. AUERHAHN: Objection, your Honor.

8 THE COURT: Overruled.

9 Q. "I guessed. I guessed. I didn't -- it's strange. Maybe
03:42 10 I even had conversation with Tarek or Kareem particularly about
11 these things, but I kind of assumed, because they used to hang
12 out with Ahmed, that their beliefs were very similar. I can't
13 remember, like, before the -- before the trip to Yemen. I
14 can't remember exactly if I ever had -- ever had a sit-down
15 conversation with Tarek Mehanna one on one and asked him, like,
16 what his beliefs were about suicide bombings because Ahmed was
17 the more vocal one. He would talk more. Whenever there was a
18 gathering, he would be the one whose view, you know, everybody
19 just talked about. So it was more him than Tarek. I didn't
03:43 20 really talk to Tarek in particular. I knew Ahmed before. So
21 that kind of, like, dynamic didn't kind of allow me to just
22 talk to Tarek alone, one on one, but I assumed that Tarek's
23 views were probably similar, yeah." Is that what you told the
24 grand jury under oath, 2009?

25 A. That's correct, yes.

1 Q. Did I just read that accurately from the transcript?

2 A. Yes, you did.

3 Q. Now, when the prosecutor questioned you the second time a
4 moment ago, he asked you about the fact that at one point you
5 were prepared to go and receive training with Abousamra and
6 then go on to Iraq and fight -- or go on to perhaps Afghanistan
7 or Pakistan and fight U.S. soldiers, right?

8 A. That's right, yes.

9 Q. He brought out that your intention was to go there with
03:44 10 Abousamra to fight U.S. soldiers, including hurting them or
11 killing them, right, and you said that's true?

12 A. Yes.

13 Q. That's why you were going?

14 A. Yes.

15 Q. And you have learned that, if you had done that, you would
16 have been charged with the same federal crime that Tarek is
17 charged with, right?

18 A. Probably, but I wouldn't have been able to come back, but
19 probably.

03:45 20 Q. And you would have faced life in prison without parole?

21 MR. AUERHAHN: Objection.

22 MR. CARNEY: I withdrawn the question.

23 Q. You would have faced life in prison?

24 THE COURT: Sustained.

25 Q. Do you know what the penalty would have been?

1 MR. AUERHAHN: Objection.

2 THE COURT: Sustained.

3 Q. Finally, the prosecutor asked you if you say anything on
4 the stand today that would be perjury, you could be prosecuted
5 for it, right?

6 A. That's correct.

7 Q. The prosecutor decides if you've committed perjury, right?

8 MR. AUERHAHN: Objection.

9 THE COURT: Sustained.

03:45 10 Q. If you get charged with perjury, it's a charge brought by
11 the Feds, right?

12 MR. AUERHAHN: Objection, your Honor. By the grand
13 jury.

14 THE COURT: Sustained.

15 Q. You know that if the prosecutor wants to charge you with
16 perjury, you can be, right?

17 MR. AUERHAHN: Objection.

18 Q. Is that what you believe?

19 THE COURT: He may answer what he believes.

03:46 20 A. I'm sorry?

21 Q. Don't you believe that if the prosecutor thinks you're
22 committing perjury that he's going to seek to have you charged?

23 A. Well, if I'm lying, yes.

24 Q. And he's the one who makes the decision in your mind, in
25 your belief, whether you are lying, right?

1 A. I don't think so.

2 Q. Doesn't -- in order to bring a charge?

3 A. I don't think that he makes the decision, not in my mind.

4 Q. Who makes the decision? You mean the jury ultimately?

5 A. No.

6 Q. What I'm asking you is: Don't you believe that when he
7 says, if you lie you can be charged with perjury, that it's
8 going to be the prosecutor who's going to charge you with
9 perjury, right?

03:47 10 A. I mean, I don't know if it's just a difference in words,
11 but I believe the government decides if I'm lying and then
12 charges me with perjury.

13 Q. Is he the lawyer for the government?

14 A. He's representing them, yes.

15 Q. And it's fair to say that your belief is, as long as you
16 say what he thinks is the truth, you won't get charged, right?

17 A. If I'm speaking the truth, then I won't get charged.

18 Q. If it's what he thinks or wants the truth to be, you won't
19 be charged?

03:47 20 MR. AUERHAHN: Asked and answered, your Honor.

21 THE COURT: No. Go ahead. You may answer it.

22 A. I'm sorry?

23 Q. The point I'm trying to get at is: When the prosecutor
24 says to you that you would face a perjury charge if you did not
25 testify truthfully, you believe that he would be involved in

1 the decision on whether to charge you, right?

2 A. Yes, that's true.

3 Q. And you're talking about events that he was not present
4 at, right?

5 A. That's true.

6 Q. And as long as you testify in the manner that he expects
7 you to, you won't get charged with perjury, right?

8 A. What I know to be --

9 Q. Is that your belief?

03:48 10 MR. AUERHAHN: Your Honor, can he answer?

11 THE COURT: Go ahead. Answer the question.

12 A. What I know to be -- what I believe now to be true is only
13 -- is all that I'm saying. He doesn't know or you don't know
14 what I know. All I'm saying is the truth, that I know -- that,
15 to me, that I remember to be true is what I'm saying. I --
16 that's all there is to it.

17 Q. All right. Thank you.

18 THE COURT: All right. That concludes the testimony.
19 We'll recess for the afternoon. See you in the morning for
03:48 20 more testimony.

21 (Whereupon, at 1:00 p.m. the trial recessed.)

22

23

24

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C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 09-10017-GAO-1, United States of America v. Tarek Mehanna.

/s/ Marcia G. Patrisso
MARCIA G. PATRISSE, RMR, CRR
Official Court Reporter

/s/ Cheryl Dahlstrom
CHERYL DAHLSTROM, RMR, CRR
Official Court Reporter

Date: November 14, 2011